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... The Sun Never Sets On



The Leadership Law School

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Silverman Makes Record \$15 Million Gift

Penn Law alumnus Henry R. Silverman has made a gift of \$15 million to the University of Pennsylvania Law School – the largest outright gift ever to an American law school, President Judith Rodin recently announced.

Mr. Silverman, L'64, is president and chief executive officer of Cendant Corporation, Stamford, CT, and Parsippany, NJ, a global leader in consumer and business services.

His record-breaking gift will support a professorship, legal scholarships and research, in addition to restorations and renovations of the original Law School building, which Dr. Rodin called the School's "intellectual and ceremonial heart."

The classic building on 34th Street between Chestnut and Sansom Streets, dating from 1900, will be renamed Henry R. Silverman Hall in recognition of his generosity. "We are enormously grateful for Henry's commitment, both to the Law School and to the University," Dr. Rodin said, adding that "this leadership gift will enable us to continue to build on our distinguished past and improve ourselves in the present to benefit future generations of students and faculty."

Mr. Silverman responded, "As a graduate, and having realized the benefits and rewards of a truly world-class education at Penn Law School, I am particularly gratified to make this gift and trust it will help both students and faculty build on the institution's rich history of academic excellence."

The Leadership Initiative:

The Law School has recently developed an ambitious plan for a leadership program that will combine the strengths of legal education with perspectives drawn from management and other sister professions and academic disciplines. "This gift

launches the Leadership Initiative in the most fitting way imaginable," said Dean Colin S. Diver, calling it the "linchpin of the School's plans. It will be used to establish a home and an endowment for the leadership program; and its donor, Henry R. Silverman, is the perfect embodiment of the lawyer-leader whom we seek to educate."

"We have a vision of legal education as preparation for leadership," he continued, "a combination of interdisciplinary studies and strong disciplinary training designed to prepare our students for the challenges of a changing legal profession in a rapidly changing society."

About Mr. Silverman:

In addition to serving as a trustee to the University, Mr. Silverman, 57, is Chairman of the Board of Trustees of the New York University School of Medicine, Executive Vice Chairman of the NYU Health System, a director of the NYU Child Study Center, a trustee of the Hospital for Joint Diseases and a trustee of the Whitney Museum of American Art.

Cendant Corporation is ranked among the 100 largest corporations in America.

Cendant has three principal segments: Alliance Marketing, which provides access to travel, shopping, auto, dining and other services through more than 66.5 million memberships worldwide; Travel Services, the leading franchiser of hotels and rental car agencies worldwide, the premier provider of vacation exchange services, and the second largest fleet management company; and Real Estate Services, the premier franchiser of residential real estate brokerage offices, a major provider of mortgage services to consumers, and a global leader in corporate employee relocation.





Leadership and "Globalism"

These days, "globalism" is to law schools as "family values" is to politicians. Well . . . most politicians.

It seems that every law school is touting its menu of exotic international courses and overseas programs in far-flung locations. Professional associations rush to present programs on "international" this and that "global law schools" abound.

At Penn, globalism is not a piece of fashionable attire in which we wrap ourselves when the occasion seems to warrant. It is, rather, a carefully considered component of our leadership strategy.

As we explained in the Fall 1997 issue of the *Journal*, the Law School's strategic objective is to become THE place to study and teach leadership through law. Our concern is to prepare the next generation of students for careers in which the practice of law leads to positions of authority in the public and private sectors – careers in which "law" serves as both the analytical foundation and the font of moral guidance for the exercise of power through the design, creation, ownership, and management of effective institutions.

Implementation of that vision requires a profoundly interdisciplinary and interprofessional approach to the study and teaching of law. It goes without saying that leadership education must be international. Future leaders will have to deal increasingly with people from foreign countries, multinational organizations, foreign governments, and foreign legal systems.

But the emphasis on the "national" in "international" can be a dangerous distraction. Economic activity and social movements flow across the face of the earth on a wave of communications and transportation technologies that ignore the abstractions of national boundaries. Seemingly unitary national legal systems obscure internal variations reflecting deep and stubborn intercultural divisions. Nation states are inherently unstable, sometimes dissolving into balkanized units and other times binding together with others into political and economic federations.

Effective leadership in the next century will require a deep understanding of how law and legal institutions shape and are shaped by their changing cultural, social, and economic contexts. This is the emphasis that guides our approach to "globalism" at Penn. It is perhaps most apparent in the important comparative law scholarship of our faculty. Jacques deLisle, for example, studies legal transformation in post-Maoist China and post-colonial Hong-Kong. Bill Ewald traces the philosophical underpinnings of Continental public and private law. Kim Scheppele is a participant-observer in the unfolding of constitutional democracy in post-communist Central Europe. An ever growing number of Penn faculty bring into teaching and scholarship about American law the valuable perspectives gained by teaching and lecturing abroad. A growing number of LL.M. students trained in foreign systems and even foreign-born J.D. students bring invaluable comparative perspectives into the daily give and take of the classroom and the hallways. A particularly salient example of the Law School's comparativist perspective is our new *Journal of Constitutional Law*, whose first symposium is dedicated to constitutional "borrowings." In that connection, this year we welcome to Penn not only the Chief Justice of the United States Supreme Court, but also the Chief Justices of the Constitutional Courts of Korea and Hungary, and Justices of the high courts of South Africa and Israel.

But, in the end, what makes Penn truly and distinctively "global" is its interdisciplinary strength. Legal systems are not self-contained entities, susceptible to distillation into codes and rules. They are systems of norms and understandings and institutional arrangements deeply embedded in social structures that can be understood and compared only through the lenses of philosophy, history, sociology, anthropology, and economics. Leaders who will need to operate in a world of cultural diversity and change must have the tools to look beneath the bewildering diversity of human legal cultures to find the deep places of common ground. That is the essential objective of Penn's "global" vision.

THE LAW SCHOOL'S Place In The World



Englard

Solyom

Rehnquist

Mokgoro

Kim

Some cities are more “international” than others. Philadelphia isn’t one that immediately comes to mind when the term pops up. But at Penn Law, the filaments of the world reach into the classroom through its experts in comparative law, linger awhile in the intense articles of its legal philosophers, and shoot out again to foreign markets through the work of alumni who manage law offices located in the legal and financial centers of the world.

This issue of the *Journal* features a few of these leaders, providing a taste of where Penn Law stands in international affairs. But the voices of international law also visited Penn Law this academic year in the form of five leading jurists from around the world.



Representing the established tradition of national supreme courts were William Rehnquist, Chief Justice of the U.S. Supreme Court, and Izhak Englard, former Bora Laskin Professor of Law and dean of the law faculty at Hebrew

University in Jerusalem, who journeyed to Penn Law last fall as Gruss Visiting Professor of Talmudic Civil Law, only to be called back in midterm when he was appointed to the Israeli Supreme Court.

Rehnquist was in town last November at the invitation of the *Penn Law Review* and the Penn Law faculty. He delivered an address downtown to a gathering of the Philadelphia Bar and attended the Penn-Columbia football game as well as a luncheon with University President Judith Rodin. Englard delivered the Caroline Zelaznik Gruss & Joseph S. Gruss Lecture in Talmudic Civil Law last September, speaking on “Can a Jewish State Be a Democratic State?”



The remaining three jurists brought voices from a relatively recent yet increasingly influential type of high court less well known in the United States. Laszlo Solyom and Yong-Joon Kim are presidents of the Constitutional Courts of

IZHAK ENGLARD

UNITED STATES
WILLIAM REHNQUIST

Penn Law goes out to the world; the world comes to Penn Law.

Y V O N N E M O K G O R O

Hungary and the Republic of Korea, respectively. Yvonne Mokgoro is a justice of the Constitutional Court of South Africa – the first black woman member of the South African judiciary at any level. She has served during the Court's transitional stage from the old, apartheid-based constitution to the current constitution ratified in 1996.



Solyom, whose visit to Penn was arranged through Professor of Law Kim Scheppele, who had worked with him while in Hungary, discussed the origins and functions of the Hungarian Constitutional Court. Kim, in Philadelphia to visit his son, Penn Law student Hyunchoong Kim, LL.M. '98, spoke informally with students and jurists this January. Mokgoro, who received her LL.M. from Penn Law in 1990, attended the Shils lecture in December and was available to discuss constitutional court issues with students and faculty.

The visits by these constitutional jurists were particularly enlightening. Constitutional courts, best



known in Europe, trace their spiritual lineage to the West German (now simply German) Federal

Constitutional Court established in 1949 as an interpretive body ruling on the constitutionality of laws passed by the parliament. Germany, like most nations which have followed its model, maintains a separate Supreme Court which, as in the U.S., functions as the highest appellate court.

However, unlike the U.S. model, the modern European constitutional court – now spreading throughout many non-European countries as well – separates constitutional review from case review. Many of these constitutional courts wield remarkable power which influences not only the judicial but the legislative process.



Through such visits, the students at Penn Law are able to supplement their study of comparative law – especially that of Europe and East Asia – which is provided by a faculty whose strength in the international realm can be measured by its intellectual intensity. If you have a chance, look through the papers on comparative law and legal theory published by our faculty. They don't just portray the facts of international and comparative law. They elucidate some of the most engaging and significant philosophy being discussed in the world today. ■

Y O N G - J O O N K I M

I N T E R N A T I O N A L
F A C U L T Y

International law:

There's a certain ring to that phrase. Sometimes you might think, "It's Philadelphia, after all."
But no, at Penn Law, it's the center of the world.



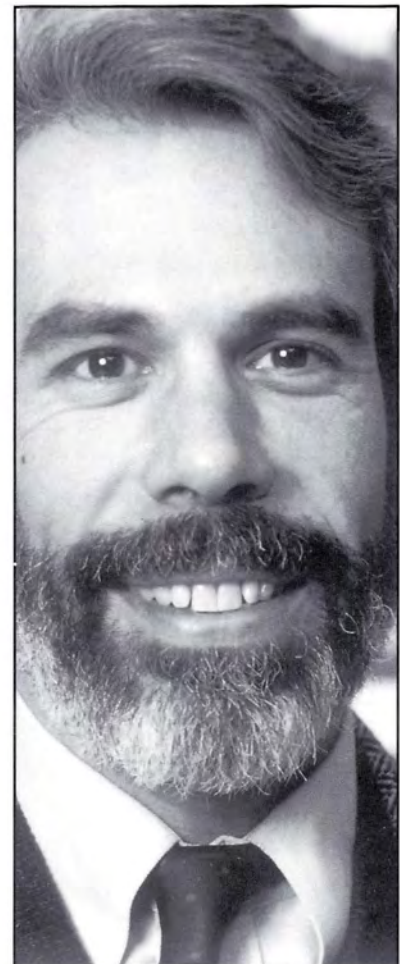
*Chinese Law:
A Middle Path for the
Middle Kingdom*

Jacques deLisle



*Rats,
Laws, and History*

William B. Ewald



*Antitrust:
Israel and the
Microsoft Dilemma*

Edward Rock

Chinese Law: A Middle Path for the Middle Kingdom

Jacques deLisle sees the study of Chinese law as bridging the theoretical and the practical. "China has the great alternative legal tradition, one that has considered, in a systematic way, what functions law can serve and what distinguishes law from other means of social organization and control. If you pick any familiar theory about law and governance, Chinese thinkers and statesmen have asked similar questions and come to answers that are radically different from, or intriguingly similar to, our own.

"China and East Asia are – along with Central and Eastern Europe – the epicenters of legal change and therefore the most interesting cases for comparative study. They ask the big questions – the nature of legality, the role of law, the kind of legal system to have – on a daily basis."

How they answer these questions, deLisle adds, has practical importance. "China and the broader Chinese world – which extends to Taiwan and the ethnic Chinese who control much of the economic activity in Southeast Asia – include well over a billion people, span the most dynamic economies in the world, and raise difficult issues for U.S. laws and policies." To answer even a narrow question such as "When is a Chinese parent corporation liable for the debts of its subsidiary?" you need to understand the context of P.R.C. law, the notion of incorporation only by government permission and for limited purposes, the preference for administrative sanctions over judicial remedies, and the relationship between 'law' and 'policy.' "

DeLisle enjoys Penn's location in the middle of the Northeast Corridor. He can shuttle to New York to consult in cases involving Chinese economic law, yet still keep in touch with the political side of U.S.-China relations in Washington, where he previously enjoyed "a surprisingly China-skewed practice" in the Department of Justice's Office of Legal Counsel.

His recent writing has focused on last year's transfer of Hong Kong from Britain to China. "It's a perfect case for somebody at the crossroads between law and political science. Politics there for the last 15 years has been about law, and law has been about politics. The biggest political controversies have centered on the treaty-like Joint Declaration and the mini-constitution-like Basic Law, both of which define Hong Kong's political order."

For China, says deLisle, the two legal documents are unilateral, if solemn, pledges about how China will use its discretionary authority over an area that it sees as always having been part of China. Hong Kong "pro-democracy" leaders and the British, on the other hand, see the Joint Declaration as a contract which trades sovereignty for binding promises about how Hong Kong will be run, and view some of the ideas embodied in the Basic Law as "something approaching American-style constitutional principles." These differences, according to deLisle, make Hong Kong "a test case of whether two radically different systems can coexist."

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the law and asserting
my rights’. ”*

DeLisle's principal focus remains the Chinese mainland. "My interest is in how the move toward rule by law – if not rule of law – has developed in post-Mao – now post-Deng – China," he says. "I'm particularly concerned with how this happens in political aspects of criminal law, in 'economic law,' and in mechanisms for holding government to account."



In criminal law, recent reforms have expanded defendants' procedural rights and established a presumption of innocence. The "nominally non-criminal sanction of 're-education through labor' " has been limited to a maximum of three years, and "minor degrees of deviance are less likely to draw attention from residence committees – the Granny Police – or public security authorities." Still, "there remains an extremely close relationship among prosecutors, courts and police" that "exceeds the norm even for a civil law, inquisitorial system." The implementation of new reforms "remains at best uncertain, especially in politically charged cases."

In economic law, deLisle notes, "There's been a remarkable shift toward using contracts and suing to enforce them, toward granting enterprises operational autonomy, and even toward private or more dispersed public ownership." On the other hand, "the state has retained formidable levels of control and discretion, political intervention has remained unpredictable, and court judgments have been hard to enforce."

Government accountability has improved, deLisle says, "with new administrative laws permitting successful challenges to, for example, permits for polluting factories, and with legislators opposing and delaying some major laws and programs." Still, statutes, regulations and actions by the Party remain

Chinese Law: A Middle Path for the Middle Kingdom

judicially unreviewable. Elite norms and poor implementation, not constitutional limits or democratic processes, are the main checks on political power.

In what deLisle calls “a half-reformed system,” two long-standing features of Chinese law persist. First, law is considered inferior to moral norms. Second, law is seen as a mere tool of government, used to promote a “good” society. “In the Confucian tradition, and in much of Maoist ideology, the resort to law is an admission of moral failure on the part of government.” Although appreciation for law has increased, “it’s still an instrument – to provide people with the personal security and economic incentives necessary to building a rich and powerful China, and to attract foreign investment.” Although “sprouts of a more robust legalism exist,” deLisle adds, “the way to make law work for an individual citizen in China today is to say, ‘I’m helping to enforce official policy by invoking the law and asserting my rights.’”

DeLisle’s interest in China dates to his undergraduate education (at Princeton) and was a focus in law school and in a Ph.D. program in political science (both at Harvard). While he greatly enjoys teaching Torts and Separation of Powers, deLisle’s teaching focuses on Chinese and East Asian law. He notes that students in these classes range from trained East Asian lawyers to American students with East Asian experience and career goals, to “J.D. students who are taking a flyer and doing something a little exotic. The Asian LL.M.’s often know more about the substance of the course but aren’t used to American-style legal analysis. The J.D. students can do the analysis, but need to adapt those skills to unfamiliar materials. It’s a nice mix. When it works well, they learn a lot from one another.”

When deLisle visits China, for an annual three-to-four week trip, his “haunts are Beijing and Hong Kong. Although I’m mostly in libraries or interviewing sources or giving talks, one of the highlights is seeing former students. It lets me keep in touch with some extraordinary people . . . and to get especially good Chinese food.”



William B. Ewald
Professor of Law and Philosophy

William Ewald could have been a charter member of radio comics Bob & Ray’s “Slow...Talkers...of...America.” He chooses his words carefully, cautiously, determined not to misstate views – his or anyone else’s. He also shows little sense of self-promotion, which makes him a difficult interview but a pleasant person to be around.

Ewald’s intellectual interests are intense and diverse. Yet another of Penn Law’s amazing collection of legal philosophers, he is an expert not only in the history and philosophy of law, but the philosophy of mathematics. His most recent publication is a two-volume compilation of original works and commentaries, *From Kant to Hilbert: A Source Book in the Foundations of Mathematics* (Oxford, Clarendon Press, 1996). He’s presently editing a collection of David Hilbert’s previously unpublished notebooks.

A native of Connecticut, Ewald grew up in easy familiarity with the American powerbrokers of the 1950s. His father, also William Ewald, ghostwrote President Dwight Eisenhower’s memoirs. Ewald’s own recollections of Eisenhower are not of the stereotyped bumbler who let his cabinet determine policies, but of a fiercely intelligent man very much in control. “Even at the age of nine it was clear to me that this was someone who was very smart and you don’t mess with him.”

Ewald’s most vivid memory of Eisenhower was a visit from the ex-president when young William was at home by himself, engaged in the un-nine-year-old activity of weaving strings to study the mathematical patterns they formed. After William explained what he was doing, Eisenhower stood riveted – the only adult Ewald can recall having taken an interest in this abstract exercise.

After studying philosophy and mathematics at Harvard, Ewald went on to a doctorate in mathematical logic and philosophy at Oxford before getting his J.D. from Harvard in 1981. He then taught philosophy at Oxford, taking time off to study, in Germany

Rats, Laws, & History

WHAT WAS
IT LIKE
TO TRY A RAT,
WITHIN THE
MIND OF THE
MEDIEVAL
JURIST?

and Italy, continental legal philosophy and Kantian philosophical ideas about law, “with some philosophy of mathematics on the side, in fact quite a lot of philosophy of mathematics on the side — the *Kant to Hilbert Source Book* was the product of those years.”

Just how do the philosophy of math and the philosophy of law tie together? “They don’t really. There are some rather interesting and abstract connections between the two, but it would be pointless to try to go into them in detail.”

For a sense of Ewald’s philosophical stance, you might want to try “Comparative Jurisprudence (I): What Was it Like to Try a Rat?” (*University of Pennsylvania Law Review*, vol. 143, No. 6, 1995). Then again you might not. Over 250 pages long, it takes a studied, quietly impassioned, and often bitingly funny look at the philosophical and practical bases for the presentation and teaching of comparative law.

The opening section outlines one of the most peculiar legal practices on record: the formal trials, during the middle ages, of animals, ranging from large mammals to insects. The animals, on trial for crimes from causing grave bodily harm to humans down to destruction of crops, were represented by legal advocates, and their rights as sentient beings discussed both in the abstract and the particular.

In the article, Ewald freely expresses his own ignorance of the motivation behind these puzzling proceedings. He goes from there to an extended discussion of the philosophical and historical origins of the legal system in Germany, particularly the influence of Kant, Herder and Savigny on the development of comparative law as a discipline in the 19th century. In particular, he attacks the conventional “black-letter” approach to the study of comparative law — side-by-side comparison of written rules — as both theoretically and practically limited.

“The central idea,” Ewald sums up in this interview, “is that if you really want to understand what goes on in the German or the French legal systems, you’re better off not simply reading the statute books, but learning the motivating ideas, which takes you fairly deeply into legal history and foreign legal philosophy.” In other words, What *was* it like to try a rat, within the mind of the medieval jurist?

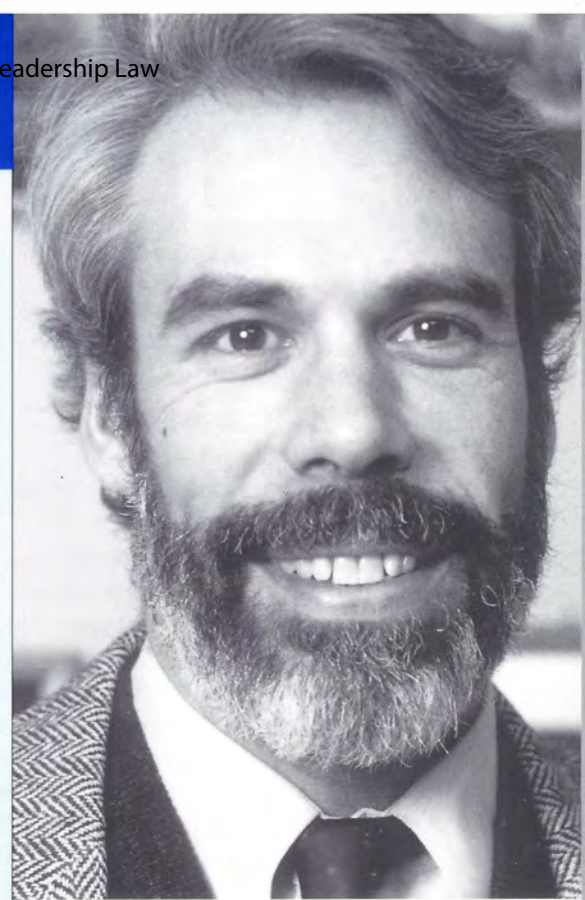
Since his arrival at Penn Law in 1989, Ewald has put theory into practice in his courses on comparative law. “When I started looking at the casebooks, it seemed to me it would be more interesting to investigate the underlying intellectual conceptions that motivated the rules in the first place.”

When he arrived, the LL.M. program was in need of attention. Working with Denise McGarry on the administrative side, he developed a rigorous academic course, Introduction to the American Legal System, tailored to foreign students, and speeded up the response time to applicants. (“It’s amazing what a difference that makes in the uptake; if they have to wait three months to hear back, they’re much less likely to come.”)

In a major advance to begin this fall, incoming LL.M.’s will go through an intensive three-week program in August, including Ewald’s Introduction to the American Legal System course, training in English as a second language, instruction on how to take law school exams, and training in legal research. So far as Ewald knows, there’s no other introductory program quite like it in the country.

“My sense is the LL.M.’s are now quite happy,” he says. “They see a structure in place to look after their needs, people to talk to for both academic advice and administration. We also have Jacques deLisle with his strong interest in East Asia; the Europeans and Latin Americans know they can come to me, and the East Asians know they can go to deLisle. They tell me his Mandarin is quite elegant, which always makes their jaws drop.”

Ewald is on sabbatical this term, first fine-tuning the August LL.M. program, then studying in Florence at the Centro di Studi per la Storia del Pensiero Giuridico Moderno (“they’ve got the finest concentration of legal historians of any place in the world”) working mostly on Giambattista Vico, an influential late 18th century legal theorist. Later, he will return to the U.S. to deliver a paper on the early 20th century foundations of mathematics, then spend time at the University of Göttingen in Germany, working on Kant’s influence on legal philosophy. Come August, he’ll return to Penn to teach the LL.M. course.



Edward Rock

Professor of Law
Penn Law School '83

Antitrust: Israel and the Microsoft Dilemma

Price fixers used to get a free pass in Israel. Not any more. And Edward Rock has had an active hand in helping collar these “criminals” — who thought they were doing good.

Rock, who teaches corporate and antitrust law at Penn, spent much of the last two academic years in Israel as a Fulbright senior scholar and visiting professor of law at Hebrew University, where he taught antitrust and corporate law. But one of his most memorable experiences was teaching a basic antitrust course to lawyers at the Israeli Antitrust Authority and consulting with them on their cases.

“The Antitrust Authority is trying to change business mores, to make businessmen internalize the norms of competition the way they’re internalized in a country like

the U.S.," says Rock. "From Israel's collectivist past comes the notion that not only is fixing prices legal but it's even probably a good thing. One finds price fixing agreements with an openness that hasn't been seen here in a hundred years."

But why would an antitrust authority need a basic course in antitrust law? Because, says Rock, Israel, like many countries that are shedding their socialist past to embrace a market economy, finds itself without the legal infrastructure of a market economy. And though Israel has had a strong antitrust law on the books since the late 1950s, it was routinely ignored until about five years ago. As a result, the now very active antitrust authority finds itself with a full docket of enforcement actions but almost no Israeli caselaw that it can use to interpret the statute.

"So on any interesting legal problem, the first question is 'What do they do in the U.S. and in Europe under similar circumstances?'" recalls Rock. "I was teaching the staff a basic course on competition law; they are first-rate lawyers, but few had studied this in any systematic way. Oddly, the course that I teach at Penn is exactly what these people needed to know." At Penn Law, Rock teaches antitrust as a fully comparative course, using a casebook for the American materials supplemented by parallel materials from the European Union.

The travails of Israel's conversion to a market economy are evident in other parts of the world as well, Rock notes: "As a friend of mine said, it takes a good 20 years to appreciate how markets work. There's an enormous tendency in countries with central planning not to believe that markets can allocate resources effectively, to interfere and mess things up."

While much of Europe, he adds, is moving in fits and starts toward a single market, they are saddled with a bureaucratic culture which brings both advantages and disadvantages. On the plus side, the European Commission's Competition Directorate plays a stronger regulatory role and possesses a larger expert staff than anything similar in the American system, which is more litigation-based. On the other hand, the Commission remains classically

bureaucratic, too often unwilling to step back and let things take their own course. "A priori, it's impossible to know which approach to competition law is better," cautions Rock.

Monopoly is also a more looming concern in smaller markets, Rock explains, where there is often a trade-off between economies of scale and number of firms. "Our cases on monopolization have little to tell antitrust enforcers overseas because we do not have a well worked out jurisprudence of monopoly. Because of the size of the U.S. market, there are very few firms that are even arguably monopolists and, unlike the situation here a generation ago, the United States spends little time worrying about the problem."

“As a friend of mine said, it takes a good 20 years to appreciate how markets work.”

But what about Microsoft? "I don't have a settled view on that," says Rock. "Assuming Microsoft is a monopoly over operating systems, does the consumer end up better off if you prevent Microsoft from bundling a bunch of other features with Windows 95 that consumers want? Competitive instincts are not monopolization." The juggling act in monopoly law is balancing the clear social cost of monopoly against the chilling effect on competitive behavior of punishing successful competitors.

"From a larger perspective, what's interesting about this case is that no matter what ultimately happens in the litigation between Microsoft and the government, it's not going to jeopardize Microsoft's

dominance in any significant way," stresses Rock. "This is more a statement about where the law of monopolization stands today than anything else. A generation ago, the litigation against AT&T was designed to break AT&T up. Today, nobody has even raised the possibility of breaking up Microsoft."

Like many on the Penn Law faculty, Rock's background lies in philosophy, which he studied, along with math and logic, as an undergraduate at Yale, then for two years at Oxford before attending Penn Law. "It was an era (the late 1970s) when there were no jobs for philosophers, and I discovered in law school that you can get very much the same intellectual fun in law as from philosophy, with the added bonus that it actually affects what goes on in the real world. It's an appealing combination."

Rock is also a member of the International Faculty of Capital Market Law and Securities Regulation, a group of corporate law academics from around the world who gather periodically to talk over issues of corporate and capital market law. It's founder was former Penn Law Dean Robert Mundheim and includes Professor Friedrich Kubler.

Rock and some of the younger members of the International Faculty are collectively writing a book on comparative corporate law. Rather than presenting separate chapters on each country, they are concentrating on the common problems found in any developed system and presenting the different solutions that have emerged. "It's very hard to do," says Rock. "It's still unclear how well we will succeed."

The project involves Rock; Henry Hansmann at Yale; Reiner Kraakmen at Harvard; Paul Davies at Oxford; Gerard Hertig from Zurich; Klaus Hopt, head of the Max Planck Institute for Foreign and Comparative Law in Munich; Eddy Wymeersch from Ghent, Belgium; Hideki Kanda at the University of Tokyo; and Robert Austin from Sydney, Australia.

I N T E R N A T I O N A L
A L U M N I

Penn Law graduates
have become leaders in many illustrious projects with international reach. Here we present three
who have made their mark in economic law, securities, finance, and social justice.



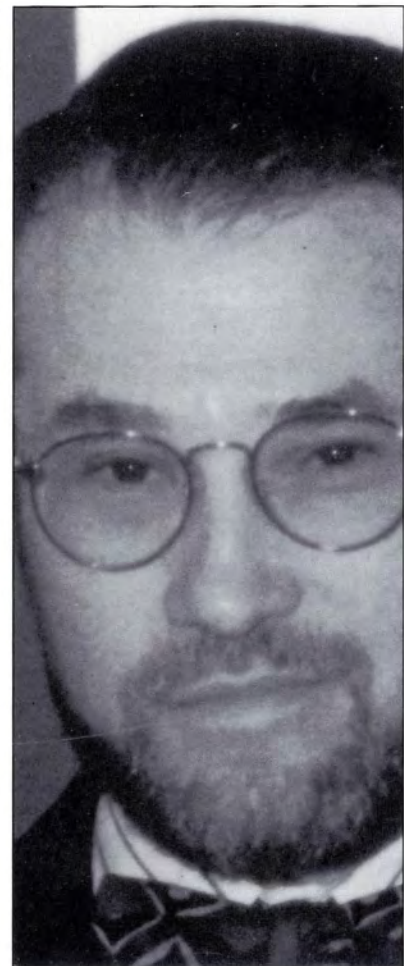
*From New Orleans
to the World*

Jeanne Olivier



*Nurturing the
Roots of Tolerance*

Glen Tobias



*Tearing Down
the Barriers to
Economic Growth*

Bruce Wolfson

The Road from New Orleans

“We handle projects through offices around the world that are multi-cultural, multi-ethnic, with many bi- and tri-lingual attorneys.”



Jeanne Olivier

Penn Law '79

Head of Project Development and Finance Group, Shearman & Sterling, New York

Jeanne Olivier refers to herself as a “native New Orleanian.” Sticking close to home, she attended Newcomb College of Tulane University, graduating in 1975. Then, however, she latched onto one of the more amazing travel opportunities available to a recent graduate: a year of study on a Thomas J. Watson Foundation Fellowship, one of 70 awarded yearly to students of some 50, mostly small, liberal arts colleges. The year’s travel — which the foundation calls a *wanderjahr* — allowed her to visit England and Northern Europe to study housing issues affecting the elderly.

The foundation was started in 1961 by the widow of IBM founder Watson. “Watson’s goal was to allow recent college graduates a year of immersion in a culture — not formal study,” explains Olivier. As the fellowship guidelines note, “we seek to identify individuals who demonstrate integrity, strong ethical character, intelligence, the capacity for

vision and leadership, and potential for humane and effective participation in the world community.” Fortunately, Olivier met all of these daunting qualifications.

Following her graduation from Penn Law in 1979, she joined the international law firm of Shearman & Sterling in New York. Then, in 1981-83, she took a leave of absence from the firm to serve a two-year stint as Executive Director of the Watson Foundation. In another context, this might have put her in line for the Doogie Howser award for prodigal achievements, but it was all part of Watson’s larger plan: “What he had hoped to do and succeeded in doing was to select former fellows he believed could run the foundation for two years and then return to work.”

Return she did, to a firm with 125 years behind it and 15 offices around the world in international financial centers such as New York, London, Paris, Frankfurt, Tokyo, Beijing, Hong Kong, and

Singapore, a firm which has more than 600 lawyers who advise many of the world’s leading corporations and financial and banking institutions, emerging growth companies, sovereign governments, and individuals.

During its history, Shearman & Sterling has long been involved in international matters, such as litigation arising from the Russian Revolution, the United States-Iran hostage crisis, negotiations to release prisoners held in Cuba following the Bay of Pigs invasion, and the Latin American debt crisis. Olivier — who was elected a partner in November of 1987, “about a month after the stock market crash” — has been actively involved in international matters during her career there.

Starting in the early 1980s, she worked for several years in Latin America on the restructurings of over \$50 billion of foreign debt of Argentina and other countries. Shearman & Sterling

The Road from New Orleans

represented the Bank Advisory Committee which negotiated on behalf of bank creditors. This work evolved into an active practice in the area of privatizations of state-owned enterprises and infrastructure projects around the world.

In the fall of 1990, Olivier was involved in the privatization of Entel, the then state-owned Argentine telephone company. Argentine president Carlos Menem had embarked on an ambitious privatization program, with Entel being the first. Over the past half decade, foreign investment in connection with privatizations and other infrastructure projects has been substantial not only in Latin America but globally.

The group which Olivier now heads specializes in development projects — telecom, mining, oil and gas, power — on a global scale. Olivier has been involved in and overseen infrastructure projects in her old stomping grounds of South America, Central America, the Caribbean and Asia, as well as projects in North America. “The Project and Development Finance Group handles projects through a number of offices around the world and is multi-cultural and multi-ethnic, with many bi- and tri-lingual attorneys. We have worked in many countries over a long period of time and have become familiar with local regulations and legal issues. That’s valuable to clients.”

As with many regions in the former Soviet Union, much of Latin America had, at one time, limited foreign investment opportunities. This stranglehold has been largely broken, with many countries now opening their doors to outside financial interests. For example, Olivier represents international sponsors, vendors, and lenders in a number of “B-Band” projects, involving the acquisition of licenses and the buildout of cellular networks in different regions of Brazil. In Mexico, she is currently involved in a billion-dollar

development project set up by a consortium of five international sponsors which is planning to build a nitrogen plant and related facilities.

Olivier’s group represents many large international corporate sponsors forming joint ventures or establishing local companies in major infrastructure projects. These projects are often financed on a “project basis” in which lenders extend credit to a joint venture company with no or limited recourse to the sponsors. “Usually, the lenders are not lending to a company on the basis of historical performance but on the basis of projected revenues from the project,” says Olivier.

Another closely related area for Olivier is political risk insurance, which covers risks of currency inconvertibility, expropriation, and political violence in projects in the emerging markets. Olivier explains that a project may be creditworthy but risky as a result of cross-border concerns. “As a result, investors and lenders are often keen to cover these risks through political risk insurance or through creative risk-sharing arrangements.” Depending on the type of project and the country in which the project is being developed, political risk arrangements are an important consideration for investors in and lenders to a project.

On the home front, Olivier has remained involved with both Tulane and Penn Law alumni affairs over the years. She is one of the Penn Law School Overseers and recently joined the Advisory Board of Penn’s *Journal of International Economic Law*.



“The Anti-Defamation
League works with
both foreign leaders and
the United States
government to fight
intolerance on an
international level”

Nurturing the Roots of Tolerance

Though he dives deep in international financial waters as a private investor, Glen Tobias is best known on the global scene for championing tolerance among people and opposing bigotry and racism. As chairman of the National Executive Committee of the Anti-Defamation League – and former chair of the ADL's International Affairs Committee – Tobias has met with leaders around the globe, including those of Israel, the Arab Mideast, Eastern Europe and the former Soviet Union, and South America. In his present role, Tobias works closely with ADL National Chairman (and Penn alumnus) Howard Berkowitz.

"The ADL's mandate is to stop the defamation of the Jewish people and to ensure justice and fair treatment to all," notes Tobias. "Typically we work closely with community leaders of every background, with educators, religious leaders, legislators, law enforcement authorities, and the judicial community."

In the U.S., the League deals with church-state issues, First Amendment concerns, tracking and exposing extremist groups, and hate crimes. The ADL recently promulgated a model hate-crime statute which has been adopted by 41 states and upheld by the United States Supreme Court. The ADL's A World of Difference Institute has trained over 300,000 educators both in America and internationally in teaching techniques to help reduce bigotry and promote ethnic, racial, and religious tolerance.

Of the ADL's 32 offices, two are overseas. The Jerusalem office has been in operation for over 20 years; the Vienna office opened in the summer of 1997.

Tobias has traveled to the Middle East many times representing the ADL in meetings with the region's leaders. During the fall of 1997, he was part of a small ADL group which met with Israeli prime minister Netanyahu, Jordan's King Hussein, Egyptian president Mubarak and Palestine Liberation Organization Chairman Yassir Arafat. In 1995, Tobias joined a small delegation that visited Saudi Arabia, meeting with Foreign Minister Prince Saud al-Faisal and other government ministers. "We have strengthened our relationships, not only within Israel, but also with King Hussein of Jordan and other area leaders through a serious exchange of views," says Tobias.

Tobias sees the continuing ADL role in the Mideast as one of a fact-finder interpreting vital events and issues in Israel for leaders and opinion makers in the United States, and vice versa. "We encourage and support the peace process; in this regard, we are also supportive of the role of the U.S. government as an important facilitator working with all of the parties to achieve this objective".

An adjunct to the ADL's efforts has been combatting any evidence of anti-Semitism in the Arab world. The ADL, Tobias notes, released a report on anti-Semitism in the Egyptian media in advance of Mubarak's visit to Washington in the spring of 1997. This report provided a foundation for Congress and the Administration to express a strong position to Egypt's leader.

Supporting the revival of Jewish institutions and communities in Central and Eastern Europe decimated by the Holocaust, a small group including Tobias visited emerging communities in Hungary, Poland, the Czech Republic, Slovakia, Austria, and the Baltic countries during the summers of 1996 and 1997. Tobias said that the ADL is concerned with the potential for extreme nationalism, xenophobia, racism, and anti-Semitism in the area, which led the ADL to collaborate with the Ronald S. Lauder Foundation to establish a Vienna office. "This was a profound event in terms of the support from the Austrian government, given Austria's controversial history with the Jewish people."

Tobias has also been active in discussions with Swiss government and banking officials about bank accounts from the Nazi era. "We were there at an important time (January 1997) when there was a lot of emotional conversation on both sides, at times a little abrasive," recalls Tobias. "We were helpful in getting some of the parties to take constructive steps to deal with their responsibilities. In no way is anyone interested in condemning today's Swiss citizens for acts of the past, but we have every reason to expect them to face up to their history and provide remedies where appropriate."

Most recently, Tobias was part of a mission to the Vatican, which included an audience with the Pope and meetings with the Secretariat of State to discuss interfaith issues.

Nurturing the Roots of Tolerance

In 1995, Tobias traveled to Argentina to help promote interfaith dialogue between the Jewish community and the Argentinian government, following the government's failure to apprehend those responsible for the terrorist bombings of the Israeli embassy and a Jewish community center.

Before attending Penn Law, Tobias graduated from the Wharton School in 1963 with a B.S. in economics and played three years of Penn varsity baseball. After practicing law for a year and half in New York, he joined Bear, Stearns & Co. in December 1967, became a general partner in 1973, and managed their investment banking operations from 1976 to 1985. Today he is a private investor and an advisor to an investment pool exceeding \$600 million, while maintaining an office at Bear, Stearns with the title of Managing Director Emeritus. Tobias has served on the Law School's Board of Overseers for the last decade.

A fan of the movies since his childhood, Tobias has his investment fingers in several Hollywood pies. One is *The Gingerbread Man*, a major film recently released through Polygram Studios. A legal thriller directed by Robert Altman and based on a story by John Grisham, it features a rather amazing cast: Kenneth Branagh, Robert Duvall, Tom Berenger, Robert Downey, Jr., Embeth Davidtz, and Daryl Hannah.

*“ I don't think Cuba is different from
any other country in that artificial barriers
to commerce are counterproductive. ”*



Bruce Wolfson

Penn Law School '77 (C '74)

*Senior Managing Director, Legal Department,
Bear, Stearns & Co., Inc.
New York, N.Y.*

Tearing Down the

“I'm not a banker or risk manager, I'm a lawyer.” Bruce Wolfson throws this in to clear up any possible confusion about the nature of his work in international investment banking and securities. A Chicago native, Wolfson heads up the international practice group in the legal department at New York's Bear, Stearns, which he joined in 1978 after a four-year stint at a Chicago law firm and six years at Bank of America, including four years as counsel with the bank's Mexico representative office. At Bear, Stearns, he is in charge of the firm's legal business outside the U.S. and other G-7 countries — primarily in Latin America, Asia and Eastern Europe.

Wolfson oversees Bear, Stearns' offices in Hong Kong, Singapore, Beijing, Shanghai, Buenos Aires, and Sao Paulo. He also works closely with the firm's other offices when they become involved in transactions with emerging markets. His legal work focuses on assisting investment bankers in structuring financial transactions and overseeing outside counsel retained for offerings of securities. He also advises the firm's international fixed income, sales, trading, and capital markets desks.

Wolfson's view of the international financial market is clear, direct, and easily summed up: "I'm a strong supporter of anything that brings down the barriers to the free flow of capital between countries, creating greater efficiency and thus greater economic growth." His most rewarding work, he says, is helping securities regulators to promote cross-border activity, particularly in Latin America. Five years ago, for instance, he helped draft foreign investment regulations in Brazil.

Wolfson stresses a clear division between his work as a legal financial advisor and those who work in the political arena. He notes, in discussing American policy in

than securities. "It brings discipline," notes Wolfson. The EMTA now represents over 90% of existing trading volume in emerging-market debt.

Though a strong supporter of NAFTA and similar free-trade treaties designed to pry open international markets, Wolfson sees them as institutionalizing regulatory changes already adopted by most emerging markets. "Historically, many of the barriers in the financial services industry have been the result of protectionist securities and banking laws, but these laws are changing," he says. In Latin America especially, economies which have been traditionally highly regulated are reforming their laws

opened to foreign investment have seen the quality of financial services available to local investors rise to a much higher level."

Wolfson recalls an odd – but instructive – encounter with a Brazilian cab driver who attributed the opening up of his country's markets not to outside political pressures, but to MTV. "Latin America," Wolfson recalls the cabbie explaining, "got the message from MTV that young Americans have greater freedom, greater financial resources, and appear to be a lot happier. The Internet can only further this MTV phenomenon. I've cited this observation frequently: the most

Barriers to Economic Growth

Cuba, that "I don't think Cuba is different from any other country in that artificial barriers to commerce are counterproductive." Yet he adds that "I understand there can be political considerations that may outweigh economic concerns. When local governments are considering opening to foreign participation, I try never to meddle in the political situation – it's not appropriate, it's beyond our purview."

His work as a board member of the Emerging Markets Traders Association takes a similar direction, though the emphasis shifts to offering advice on encouraging greater efficiency and transparency to trading markets and reforming local security laws which may impede the international free flow of capital across borders.

The EMTA was organized in 1989, at the time of the first debt securitization in Latin America, the so-called Brady Bonds in Mexico. The organization helps implement standard documentation (Wolfson has chaired the EMTA committee on documentation) and market practices for loan-trading, an area less regulated

to create an environment attractive to economic development and are privatizing many state-owned enterprises.

In addition to formal free-trade zones, Wolfson notes, somewhat less structured trading blocks are forming worldwide to take advantage of this loosening of local regulations. He lists the European Community and South America's Mercosur as among the most prominent.

A possible downside to this globalization of capital markets is the fact that many local economies find themselves unable to finance their countries' own capital needs, making them increasingly dependent on the free flow of foreign capital.

"Some international financial institutions individually have levels of capital that equal the entire capitalization of local financial institutions," notes Wolfson, "so it's possible for foreign corporations to dominate a local economy. Certainly, there are fewer independent brokers in Brazil today than there were. This may have many good effects, but local institutions and regulators may not be eager to see control of local markets pass to foreign institutions.

On the other hand, countries that have

compelling argument for capitalism and democracy around the world is that people have a higher standard of living. These are everyday realities."

This recognition, springing from increased freedom of communication in post-Cold War years, explains why even countries which have undergone severe disruption and short-term economic decline in their turn toward a free-market economy have not reversed course. He notes that this is particularly true in Russia. "People remain convinced that, in the long run, ours is the best model."

Wolfson did not drift into emerging markets by chance or professional positioning. His father, Ted, started the international division of a family-owned manufacturing concern shortly after World War II, initially in Latin America. Wolfson became hooked – both on Latin America and foreign finance. "It's what I've wanted to do since high school. I've never seriously thought of doing anything else; still don't. The only thing I might do differently is that, in addition, I'd like to teach it – that's what I want to do when I grow up."

The Law...

**As
It Is
Lived**



▶ *What's Your School Zone?*



◀ *Eliminating Sweatshops*



▶ *Dollar Vans: A Case Study*

Three students look at legal realities

The following selections are excerpted from student papers written for Professor Regina Austin's course in advanced torts. Over the years, Austin has taken the provocative approach of asking her students – from diverse ethnic and racial backgrounds – to relate the law to what they have seen in their neighborhoods, on the streets.

Dealing with “informal economies” and activities often considered marginally legal at best, these papers represent, in Austin's words, “students' confrontations with law as it is lived,” providing remarkable windows on the place of law in daily life, rather than law as an abstract ordering principle. Austin gives a strong nod to the values movement in legal scholarship, yet notes that “I am less concerned with affecting values to produce legally desired outcomes and more interested in the way in which values are substitutes for or alternatives to law.”

We want to give special thanks to the students who have allowed us to present these excerpts in the *Journal*. We hope they will retain the humanity shown here throughout their professional careers.

An Informal Economic Business Thriving in Immigrant Communities:

Dollar Vans: A Case Study



by
Shirley Thebaud '96

It never dawned on me growing up as a first generation Haitian American that certain businesses run by other immigrants were illegal or part of an informal economy. For example, "bolette" (a Haitian-Creole term for a numbers game) thrived in the Haitian communities in Brooklyn and Queens.

Although this business is classified as illegal activity, I disagree with this classification. This underground economic activity provided many benefits to the community. First, it allowed the money to remain in the community. It also provided these immigrants with a connection to their homeland. This game was the unofficial lottery in Haiti, transported to the U.S. by Haitian immigrants.

Bolette is just one of the many underground businesses run by immigrants in the U.S. This paper will explore how dollar vans fit into the notion of an informal economy. From their inception, dollar vans in New York City were a welcome form of transportation to those living in two fare zones. Two fare zones are those areas where commuters must pay two fares in order to reach their destination.

In the beginning or at least during my first encounters with dollar vans in 1986, they were not regulated in any way. Due to the large expanse of NYC, the Metropolitan Transit Authority (MTA) was not even aware of their existence since cops did not ticket the vans and most vans did not carry livery plates or insurance. At this time, NYC transit cost \$1, so dollar vans cost the same.

In the beginning, most people used the strategy of riding whichever came first, a bus or a van. But by the late 1980s, the probability of a bus coming before a van was slim. A van would pass by approximately every minute or two during rush hour with some already packed to capacity by the second official stop. And even if a bus came first, a later van could always catch up and pass that same bus and bring you to your destination faster.

On January 1, 1989, the MTA raised the cost of transportation to \$1.15; however, vans remained at their \$1 price. By this time the dollar vans had obtained loyal customers and established a stronghold in the community. The low amount of government regulation also helped dollar vans become a thriving force in the community.

As the transportation rate increased to \$1.25 in 1992, either a new law was passed or an old unused one was suddenly enforced to make the dollar vans' form of informal transportation illegal. At first, cops only ticketed the van drivers. The cost of the tickets was only about \$25 and

was not much of a deterrent. Then, as MTA noticed its overwhelming decrease in ridership, the ticket prices quickly escalated to approximately \$1,000 and van drivers also risked confiscation of their vehicles.

Even with rigid enforcement by the government, the demand by commuters was high enough to warrant van drivers to continue their business. Commuters actively aided van drivers in avoiding capture.

There are moral justifications for an informal economy when it does not impede government actions, it is congruent with the democratic values of its citizens and it provides social benefits. If we consider the different mechanisms for directing economic activity and how they respond to citizen preferences, the question of the morality of an informal economy becomes irrelevant. At the same time, dollar vans have promoted many moral values and provided many social benefits to the immigrant communities they serve.

First, dollar vans have promoted democratic values like initiative and entrepreneurship. Van drivers saw a need in the community and converted it into a profitable business. Second, vans promoted the importance of the work ethic. The initiative of the van drivers was rewarded and the benefits received were based on merit, a value democratic societies espouse. By creating competition for the MTA, dollar vans have forced the MTA to become more efficient and responsive to the citizens it serves. Dollar vans have also provided immigrant communities with a voice, with which immigrants can exercise their choice as consumers in a market.

Dollar vans have also provided van drivers with the opportunity to increase their material wealth. If you pack a van with 10 people and the ride to the station only costs \$5 in gas and takes only 10 minutes, during morning rush hour a van driver could make at least \$46. Some drivers raised the capital they needed to buy a van if they began with a station wagon or sedan. Others used the money to upgrade their vans or buy more vans. Some even used the money to pay the \$5,000 livery plates cost and legitimize themselves.

Prompted by a one-day van strike and a lobby by dollar vans, the City Council in New York voted on a measure to legitimize dollar vans. Where once they were viewed as a more degrading form of transportation than gypsy cabs, they are now considered an invaluable form of transportation.

A black and white portrait of a woman with dark, shoulder-length hair and bangs. She is smiling and looking directly at the camera. She is wearing a dark, possibly black, jacket over a light-colored top, and a single-strand pearl necklace. The background is a plain, light-colored studio backdrop.

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What's Your School Zone?

Throughout my childhood, there were three public high schools within walking distance from my Brooklyn home. Most parents put aside their fears and reluctantly sent their offspring to whichever school the New York City Department of Education had "zoned" them to attend.

However, there were some parents who found it unbearable to think of their children attending one of these schools. For those parents, there were three alternatives that would instantly alleviate their fears: 1) private/Catholic schools; 2) magnet schools; and 3) the "zone scam."

The zoning scam is the option most utilized by desperate Black parents. Unfortunately, it is illegal. However, as is usually the case with illegal "last ditch efforts," it was also highly convenient and effective. The parents would leaf through their address book and find a friend or family member who lived in the area surrounding the school the parents had chosen. After verifying that a child living at that address would be zoned for the chosen school, the parent visits the school's admission office and enrolls the child using the address of the friend or family member.

Long before politicians brought the discussion to the forefront of political debate and controversy, Black parents were implementing their own Choice programs. Unfortunately, while individual parental choices may have enabled a small number of Black children to attend "better" schools than the ones in their own neighborhoods, the majority of Black kids have not benefited. Also, otherwise law-abiding folks have been forced to lie and cheat in order to insure that their children have access to minimum educational opportunities.

In regards to local high schools in Black neighborhoods, many times the only characteristics that identify the school as Black are the neighborhood and the students. Most of the teachers are white, the principal is white, and the curriculum is based on a European construct. Today, we must seriously consider whether or not local Black schools are important only because they are convenient.

The campaign for parent's choice seems to provide politicians with an "easy out." The onus is taken off of the policy makers to address the large disparities that exist within the public school systems. These programs seem to rest on the premise that it is inevitable that there will be schools that are wonderful and schools that are atrocious.



by
Camille S. Forbes '98

Just Say Yes

Ask not for whom the Tolls knell...

"We were watching the news one night, and we saw a segment on Eugene Lang," Jane Toll recalls. Lang is the creator of the "I Have a Dream" program, which provides a framework for individuals and families to "adopt" classrooms of children from depressed neighborhoods and shepherd them through high school and into college, complete with a promise of paid tuition upon high school graduation. "And we're just crying, thinking about how great it would be able to do that

children and see to it that they made it through high school and into college. More than helping regional real estate change hands, they saw clearly that their involvement with a program like this one could, should, would change lives.

With this mix of parental instinct and business sense, the Tolls started looking for ways to keep at-risk kids in class, encouraging them to think about school as more than a temporary exercise in endurance.

First stop: Trenton.

"We knew we had to talk to people who'd done it, and we found a woman in New Jersey who was tremendously involved. I remember being worried and thinking, 'I don't know...we have our own kids, I have a business,'" Jane says. "We didn't want to enter into something we weren't sure we could follow through on and have these kids thinking, 'Oh, here's one more empty promise from rich white folks.'"

Over the next few months, the Tolls met with Lang but felt that they wanted a somewhat different approach than his. At this point, as if directed into the script, the *Inquirer* fell open to a story about the Say Yes To Education program at the University of Pennsylvania.

Say Yes is a privately funded program begun in 1987 by George and Diane Weiss to pay the cost of a college education for 112 sixth-grade graduates of Philadelphia's Belmont Elementary School. Through cooperation with Penn's Graduate School of Education, Say Yes helps students hold up their end of the bargain by providing increased personal attention, emotional support, tutoring and career counseling.

To the Tolls, the program seemed perfect. "There were no tricks to the tuition, there were counselors in place. There was a superstructure that could support us if we needed it — just in case we couldn't come through," recalls Jane. She called Norm Newburg, executive director of Say Yes, and they started looking for a school, a set of kids within a reasonable distance of Penn, so that Penn students could participate and the Tolls could do more than sign a check and hope for the best.

There are 172 elementary schools in the Philadelphia school district, the fifth largest in the country. They started by looking at those

— and wondering if we could ever pull it off."

That thought sparked the beginning of a risky venture for Bob and Jane Toll. True, business people gamble; entrepreneurs, perhaps more so than most. Bob is the founder of Toll Brothers, Inc., the country's leading builder of luxury homes. "Lots of students spend time looking for systems for success," he's told Penn Law students. "The thinking is: If I do this, then I'll succeed. But there's no success in life just by following systems." Jane, a former school teacher with experience working with emotionally disturbed adolescents, was then president of her own business, the Swan Real Estate Development Corporation.

Even given both Tolls' ability to manage risk and excel in business, they knew that no amount of cash or acumen would be enough to successfully step into the lives of a group of

Meet Bob and Jane.

In 1990, two of their five children were still living at home. They had two successful careers, a beautiful house in the country and a full complement of items commonly listed on census forms. From a statistical perspective, Bob L'66 and Jane Toll GSE '66 were enjoying an orderly, almost Capraesque wonderful life. However, the twist in this plot hinged on how life could have been different for approximately 60 kids from families in Philadelphia's poorest neighborhoods.

that were small enough to work with, with involved principals and “teachers who were O.K.,” says Jane, “and we didn’t want to be in a situation where we’d be isolating one segment of kids from their own peers.”

The Tolls and Newburg chose two third-grade classes at the Harrity Elementary School. Harrity’s statistical picture – 86 percent of the children living in low-income households – matches its have-not retail landscape in West Philadelphia. “At one point,” Jane says “we wanted the kids to start saving for a class trip and found that none of the families had bank accounts – no banks, anywhere, in their neighborhoods. Only check-cashing agencies.”

Even well-rested children can have trouble mustering the concentration to learn math or grammar, much less kids who may not get to bed until mom or dad gets home from a second or third shift. Jane adds that there’s been an additional “burden for them (the kids), to have to defend the special attention they get from others in their communities. There’s a general feeling of ‘Why you?’ ”

From the start, the Harrity class received individual attention from hand-picked teachers and benefited from partnerships with dozens of groups, ranging from the National Organization of Black Chemists to Planned Parenthood. (Over 50 percent of the first Say Yes class had babies before graduating – a record nobody wanted to top.) In addition, the Medical School provided free adolescent health care, and the Dental School chipped in with free dental screening and, later, braces for one of the students.

Program leaders also took their mission into the kids’ homes, helping some set up special study areas in their rooms, teaching them how to block out reading time, and helping balance family expectations for after-school work with the extra study time required to conquer coursework or qualify for scholarships.

Soon the Harrity kids became known as the Toll Scholars and attracted media attention. This was waved away by the protective Toll family and program administrators, intent on keeping the kids focused on school and the future.

By 1993, when the class had advanced to the sixth grade, the team of teachers, counselors, parents, and kids was winning; the Toll Scholars scored 83 percent on grade level, versus the Harrity average of 60 percent.

Later, a Saturday academic and cultural learning program was added for the ten most promising

students. During the summers, many joined sponsored trips to camp for reading, math, language, and basketball, learned about other cultures, enjoyed stints at the Tolls’ summer home in Maine. CoreStates Bank set up the CoreStates Mentor Program, matching students with volunteers from the Philadelphia business community to serve as role models and participate in job shadowing.

Outside the classroom, the children still had to contend with the maladies of a poor urban community. Drugs. Gang violence. Street crime. One of the group spent his childhood living in a crack house with an infant sibling. Another was sexually attacked on her way home from school. One boy was so severely beaten by an angry caretaker that the school nurse saw numerous bruises and welts, and called the authorities. The student was removed from the home situation.

Today, the Toll Scholars are high school students. Eleven – including one who is dyslexic – are in regional or nationally ranked prep schools. Many attend a small public satellite school near Penn, where each is visited by a Penn tutor at least once a week. Despite a list of inner city woes that includes teenage pregnancy and brushes with the law, the kids are doing well in school, with a low dropout rate. “Their curve is almost normal,” notes Jane, “which is pretty amazing when you remember that the playing field is in no way ‘normal.’ That’s the beauty of these kids – in spite of unbelievable obstacles, they’re more than making it. We’ve had one or two with emotional problems, issues that required more care – or a different kind of care – than we could provide. But this group is kinder, more aware, more self-assured than kids who don’t get this kind of attention.”

During the summer of 1996, the Tolls and the teachers took 40 of the children to the Southwest for three weeks, following months of special study in history and geology. They started in Phoenix and went north to the Kaibito Indian Navaho boarding school for a week, then took day trips, pressing up along the railing to see the Grand Canyon – quite a sight for most, who had never looked past Broad Street.

When asked to talk about her charges beyond their programs and progress, Jane is understandably cautious. After years of dealing with over-anxious reporters, she has built an armored bubble around the kids – now, young adults. Her protective nature is so highly respected among those close to the teens or

the program that this magazine is one of few outlets writing about the program with the blessing of those at its helm.

“The funny thing is, when we chose the class it had nothing to do with the individual kids. We were just looking for an appropriate situation. Now, the best part is getting to know the kids, watching them grow and learn, being part of their lives,” says Jane, sounding like the mentor, mother figure, and boot camp sergeant she’s become. “The kids know they’re ‘lucky,’ ” she adds, “but they don’t yet know exactly what that means.”

Within the next few years, they’re certain to find out. Ask the Toll Scholars today what they want to do after college and likely replies include lawyer, physician, engineer – any of the many options now available to them because caring people stepped into the class picture and stayed there.

Goldilocks v. The Three Bears

In the spring of 1996, the Toll Scholars were one of several at-risk youth groups to participate in PULSE — a joint public service program of the University of Pennsylvania Law School and Temple University that sends law students into city classrooms to introduce legal education in a fun and informative way, often including mock trials and handwritten legal dictionaries.

The mock trial of the semester for the Toll group: Goldilocks v. The Three Bears. Over the course of several months, Penn Law students Liz Ann Rogovy and Jonathan Leiken guided the Toll Scholars through researching the case, working with witnesses, preparing arguments and presenting the case in which Goldilocks was charged with breaking and entering and trespassing.

In addition, the bears were suing for the costs associated with replacing broken furniture, wasted food, and a new security system. Goldilocks countersued with allegations of intent to harass and emotional distress. The verdict, as delivered during a class trip to Federal Court in Center City, Philadelphia: Guilty, as charged.

Unless otherwise credited, all images are from the collections of the University Archives and Records Center of the University of Pennsylvania.

Snippets of History



Part I: The Formative Years

Law as an academic subject had as impressive a start at Penn as any institution of higher education could possibly claim. James Wilson, Associate Justice of the U.S. Supreme Court, was elected Penn's first professor of law in 1790. In December of that year he initiated his law lectures with an introductory address before "President and Mrs. Washington, Vice-President John Adams, members of both houses of Congress, the President and both houses of the Legislature of Pennsylvania, ladies and gentlemen."

Wilson's students, however, received only a single semester of lecturing before losing their distinguished professor to the press of national and personal business. Law lectures were reinstituted in 1850 by George Sharswood, Judge of the Philadelphia District Court and later, President of the Pennsylvania Supreme Court.

In 1852 a three-member Faculty of Law was established and in June of that year the degree Bachelor of Laws was first conferred by the Trustees. Like the School of Medicine, the Law School was conducted as a proprietary school until 1888, when the law course was extended from two to the present three years. The Law School has required the bachelor's degree as a prerequisite to admission since 1914.

James Wilson, Founding Father and Advocate for Democracy

James Wilson was one of two signers of the United States Constitution who were faculty members at the College of Philadelphia (forerunner to the University of Pennsylvania). A native of Scotland, educated at the University of St. Andrews, Wilson was appointed a Latin tutor at the College in February 1766. His appointment was followed by the award of an honorary Master of Arts degree at that year's commencement. He later studied law in the office of John Dickinson, was admitted to the bar and established a practice in Carlisle, Pennsylvania.

Wilson was a member of the Second Continental Congress in 1775 and 1776 and signed the Declaration of Independence. Simultaneously, however, he fought the radical Pennsylvania constitution of 1776. Despite his advocacy of the democratic principle and the sovereignty of the individual, Wilson's career subsequent to 1776 carried him steadily to the right.

Elected to the Continental Congress in 1782, where he served all but one year until 1787, Wilson's chief contributions were his proposal to establish states in the Western lands and his successful advocacy of a general revenue plan for Congress. On both measures he was accused of conflict of interest: first, as an investor in Western land companies and second, as a beneficiary of the payment of interest on the loans of the Bank of North America.

There was at least a modicum of truth in these charges, for there is ample evidence that Wilson's chief concern between 1778 and 1787 was the accumulation of great personal wealth. During this period he became a close associate of Robert Morris and adopted the Federalist position on the need for a strong central government.

Wilson's greatest achievement in public life was his part in the establishment of the United States Constitution. With the possible exception of James Madison, no member of the Constitutional Convention was better versed in the study of political economy, none grasped more firmly the central problem of dual sovereignty, and none was more optimistic and far-sighted in his vision of the future greatness of the United States.

Wilson regularly advocated the idea that sovereignty resided in the people, that the President and members of both houses of Congress should be popularly elected. He appears to have been the most influential member of the Committee of Detail, charged with preparing the first draft of the Constitution. Though not in agreement with all parts of the finished product, Wilson signed the Constitution and proved a powerful voice for its adoption.

Following the Constitutional Convention, Wilson enjoyed a surge of public triumphs. He led the Federalists in the Pennsylvania ratifying convention. In December 1787, after less than four weeks of debate, the delegates voted to ratify. Only the state of Delaware moved more quickly in taking favorable action. The Federalists' victory assured the passage of a new Pennsylvania state constitution, modeled precisely on the Federal Constitution. Wilson was its author. Wilson's national stature was confirmed in September 1789 when President Washington appointed him an Associate Justice of the first United States Supreme Court.

Snippets of History

Apprenticeship, the Dominant Model of Legal Education

Professor of Law and Associate Justice

The College of Philadelphia, reconstituted in March 1789, joined in the national recognition of Wilson's extraordinary talents. In August 1790 Wilson was appointed Professor of Law, and on the occasion of his first lecture was granted an honorary Doctor of Law in December 1790, in Philadelphia's first year as the new nation's capital city.

Wilson sought to lay the foundations of an American system of jurisprudence. He departed from the Blackstonian definition of law as the rule of a sovereign superior; he argued instead that sovereignty resided in the people, giving as his rule "the consent of those whose obedience the law requires." On this foundation he defended the American Revolution and challenged Blackstone's denial of the legal right of revolution.

Wilson's hope of becoming the American Blackstone, however, failed. Except for the first, his lectures were not published until after his death and have never been cited in courts and law schools with the respect accorded the writings of the English lecturer. Wilson's lectures continued only a single year, and though he was elected Professor of Law in the new University of Pennsylvania in 1791, he never taught under its auspices. His judicial determinations were few. Instead, his private interests, particularly his land speculations, consumed his time and his energies.

Wilson's professorship of law came about as a response to the interests of law students. It seems likely that the requests came from the "Law Society of Philadelphia," which flourished for a few years in the late 1780s and early 1790s. The records of that society show that its membership overlapped extensively with the students of Wilson.

Fifteen young men attended Wilson's lectures in 1790 and 1791. At least 11 went on to the practice of law, for there is record of that many admitted to the bar in Philadelphia alone. Two made significant contributions to the evolving Constitution: Joseph Hopkinson, as a member of Congress, 1815-1819, and as a United States Judge for the Eastern District of Pennsylvania, 1828-1842; and Caesar August Rodney, as Attorney General of the United States, 1807-1811.

Wilson's lectures at Penn were interrupted in mid course; no degrees in law were recommended or granted. His influence on American jurisprudence, however, was carried by his students well into the 19th century.

Through the first half of the 19th century, a system of apprenticeship coupled with formal examination was the standard by which students of law reached the bar. The students received a "practical" training in the daily routines of the law office; their preceptors guided them through a series of texts on natural, common, civil, and international law, quizzing them as they progressed.

The attorneys, in turn, received a fee from each student and an untiring source of free labor to fill out forms, copy legal documents, and run errands. As his practice grew, the lawyer simply took on additional clerks to assist him with the mounting paperwork. The Pennsylvania bar required clerkship with an established practitioner for three years before a student was eligible for examination and admission to the bar.

The apprenticeship of George Sharswood (1810-1883) portrays the system at its best. In 1828, shortly after graduating from the College of the University of Pennsylvania, Sharswood entered the office of Joseph Reed Ingersoll (1786-1868). Though just 42 years old, Ingersoll already commanded one of Philadelphia's largest and most successful practices. He was a popular and able preceptor who had taught at least 45 students before Sharswood.

Ingersoll directed his students' reading, examined them at regular intervals, and "took care by employing them in the preparation of pleadings and other legal papers – in making searches in the offices, and occasionally attending before magistrates and arbitrators, that they should be initiated in the practice of their profession." His students paid him the fee of \$400 for these services.

Sharswood wrote of his clerkship as "years of assiduous employment and of earnest and uninterrupted study." He read widely among the traditional legal texts, studied French, Latin and Greek, and joined the Law Academy of Philadelphia, an organization of students and young lawyers dedicated to "the promotion of legal knowledge and forensic eloquence." At the conclusion of three years of training, four court-appointed attorneys separately examined him for admission. On the motion of his preceptor, Sharswood was admitted to practice in September 1831.

When the apprenticeship system functioned well, it afforded young students the invaluable chance to study law with an acknowledged leader of the bar, while gaining practical job experience.

Law Re-Emerges as a Learned Profession

In the second quarter of the 19th century the Industrial Revolution generated enormous economic expansion. Manufacturing and commercial enterprises grew to dimensions unthinkable just a generation before. Virtually every aspect of this new order required the services of lawyers.

Though the apprenticeship system expanded in response, it became increasingly ill-suited to accommodate the radical scope of change. An ever-growing set of legal treatises was available to law students to prepare them for practice, but the writings were not coordinated according to legal principles. As the field of law grew ever more multi-faceted and complex, the average preceptor tended to concentrate his efforts in certain fields of the law – such as tax, railroad, or patent law – and thereby became less able to instruct in all or even most branches of the law.

While the beginning law student would benefit most by an exposure to a wide range of basic legal principles, the increasingly specialized flow of daily office work offered no systematic introduction to law. The result was a growing dissatisfaction with apprenticeship as the sole method of preparation for a legal career.

The compelling call for a law school at Penn came in November 1849 at the celebration of the "Centennial Anniversary" of the founding of the University. Keynote speaker and distinguished alumnus William Bradford Reed (1806-1876), taking pains not to suggest the abolition of the apprenticeship system, nevertheless recognized the value of an academic setting for legal study:

Surely no one, not the most abstracted and intense student that ever struggled on through the din and distraction of a practicing lawyer's office, would be the worse for listening, at the end of the day, or twice, or once a week, from the lips of a competent, practical teacher, and none other would be thought of, to a systematic exposition of the science of the local law.

By this time, Joseph Reed Ingersoll was one of the most influential Trustees of the University and his former student, George Sharswood, was President Judge of the District Court of Philadelphia. Sharswood's position would lend immediate prestige and credibility to any law school and, as he was no longer in private practice, he would sacrifice no income by committing his time to the relatively modest compensation of higher education. With Ingersoll as his principal advocate, Sharswood was elected Professor of Law on 2 April 1850.

**Next:
The Founding
of the Law School**



Philosophical Consideration from the Bench

Keeping the Entrepreneurial Spirit Alive

Class of '97 Fares Well in the Job Market

Wanted: Aspiring Law Teachers



Philosophical Consideration from the Bench

The Owen J. Roberts Memorial Lecture was presented last November by Ronald Dworkin, Professor of Law at New York University and University Professor of Jurisprudence at Oxford University. His topic: "Must Judges Really Be Philosophers?"

Dworkin said that the decisions made by judges deal, by their very nature, with philosophical issues such as the purpose of punishment in criminal law; responsibility and liability in torts; and considerations of morality, rights, and liberty in abortion and assisted suicide. Therefore one might expect that judges should adopt the attitude of learning from current and historical philosophical views, distilling the principles behind them, and reasoning for or against these principles (in an interpretive, rather than academic manner).



Ronald Dworkin
Professor of Law at New York University &
University Professor of Jurisprudence at
Oxford University

However, Dworkin noted, many critics claim, first, that judges “aren’t up to” doing philosophy through lack of training and/or inclination, or, second, that a philosophical approach leads to disagreement and judges should avoid dissent in order to reach a common, correct decision.

Dworkin said that the first criticism can't be supported as a broad generalization, and that the second ignores both the inherent philosophical nature of legal decisions and the fact that judges do, in fact, come to widely differing conclusions – which might be more easily reconciled if the philosophical reasoning behind them were clearly stated.

After offering a few examples of how ludicrous the attempted exclusion of philosophy from judging would be – and showing rather conclusively that it cannot be excluded – Dworkin concluded by suggesting that all law schools consider offering first-year courses in moral and legal philosophy. He also noted that proclaiming the merits of legal philosophy at Penn was bringing “coals to Newcastle” in light of Penn Law’s renowned strength in that area.

Keeping the Entrepreneurial Spirit Alive

Brian L. Roberts, President of Comcast Corporation, spoke at the eighth annual Ronald N. Rutenberg Program in Law and Entrepreneurship last October, hosted by the Institute for Law and Economics. Mr. Roberts, who has been president of Comcast since 1990, discussed the importance of maintaining entrepreneurial values in a company that is rapidly expanding. Dean Colin Diver noted that Roberts “has been one of the most creative and prescient leaders, and one of the most dynamic leaders in American business.”

Class of '97 Fares Well in the Job Market

Members of the Class of 1997 have found excellent employment opportunities in all sectors, across the country, and internationally. With 98 percent of the Class reporting, fully 98.8 percent had obtained employment six months following graduation.

The majority of students joined law firms – about 70 percent – with 14 percent starting their careers with judicial clerkships. Graduates seeking employment in the public sector had a banner year; the highest percentage of graduates in recent years entered government agencies and public interest organizations, several having obtained funding through competitive fellowships – two members of the Class are recipients of Skadden Fellowships, two of Independence Fellowships, and one is a Philadelphia Bar Fellow.

Geographically, these graduates have headed out into 22 states, Puerto Rico, and London to begin their professional lives.

For more information about these statistics, or to learn how your organization can be the next to employ a talented Penn Law graduate, please call the Career Planning & Placement Office at (215) 898-7493.

Wanted: Aspiring Law Teachers

The Law School's Entry-Level Appointments Committee is compiling a list of our alumni who are interested in teaching law. Committee members would also like to discuss the seldom-detailed hiring process with alumni. In a future issue of the Journal we hope to cover this somewhat murky area in greater depth. For now, if you would like more information or would be interested in serving on the committee, please write to:

Career Planning and Placement,
University of Pennsylvania
Law School
3400 Chestnut Street
Philadelphia, PA 19104-6204



Brian L. Roberts



Around Campus . . .



The Future of Penn Law

Friends reunite during a lunch break in the Law School courtyard

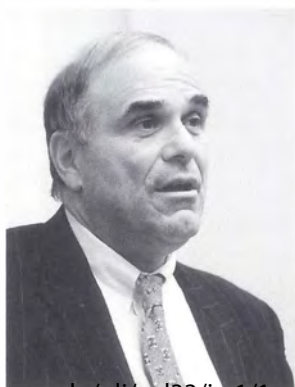


A fun evening for all at the Benefactors Dinner last October



Dean Colin Diver (right) presents Charles A. Heimbold, Jr. L'60 (left) with the Rosette for his gift of \$2,000,000 at the Benefactor's Dinner last October

Mayor Ed Rendell speaks to the crowd awaiting the opening of the Journal of Constitutional Law Office



REUNION WEEKEND
May
17 & 18
1997

BENEFACTORS DINNER
October
27
1997

EQUAL JUSTICE FOUNDATION AUCTION
February
18
1998

OPENING OF THE JOURNAL OF CONSTITUTIONAL LAW

Photo break during the Reunion Weekend festivities



Class of '97 Graduation Procession

Celebrating a good buy



Auctioneer Robert Toll L'66 encourages prospective bidders prior to the Equal Justice Foundation Auction



WCAU Channel 10's Renee Chenault L'82 assists as an auctioneer at the Equal Justice Foundation Auction



LAW SCHOOL

FACULTY NOTES



Matthew Adler, Professor of Law, presented "Rights Against Rules" to the University of San Diego Law School Faculty Workshop, and to an ad hoc workshop at Penn Law. With Eric Posner, he presented "Cost-Benefit Analysis: A Philosophical Defense" to another Penn Law ad hoc workshop. At a third ad hoc workshop, he presented "Incommensurability and Cost-Benefit Analysis." Adler also served as a Fellow of the Salzburg Seminar in Germany.



Regina Austin '73, William A. Schnader Professor of Law, participated in a plenary session with three other female law professors at the National Association of Women Judges in Salt Lake City. She spoke about damage recoveries by black female plaintiffs and the social value of money. She also presented a paper, "With Security on the Side: Fast Food Restaurants and Criminal Acts of Third Parties," at the Washburn Law School in Topeka, Kan. She was a participant in a session on scholarship and community partnership work in connection with a jointly sponsored AALS/APS workshop on "New Strategies for the Inner Cities." Austin talked about the difficulties legal scholars encounter in living up to the ideals of participatory research.



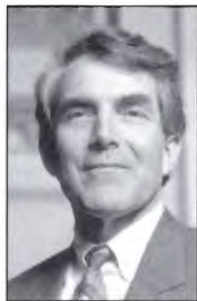
C. Edwin Baker, Nicholas F. Gallicchio Professor of Law, has published "Giving the Audience What It Wants," 58 *Ohio St.L.J.* 316-417 (1997), which argues that unregulated markets will not provide consumers with the media products they would prefer. In "Harm, Liberty, and Free Speech," 70 *So. Calif. L.Rev.* 979-1020 (1997), he argued that harm caused by speech in itself never provides an appropriate reason to limit expressive liberty. He also argued for strong speech protection in a symposium, "Speech and Power: Is First Amendment Absolutism Obsolete?," *The Nation* 16-17 (July 21, 1997). Last fall, at Roger Williams Law School and Boston College of Law, Baker presented faculty seminars arguing in favor of the constitutionality of regulation of campaign expenditures. He was a guest lecturer on media economics in the Communications Department at New York University. At the January AALS Convention in San Francisco, Baker began a one-year term as Chair of the AALS's Mass Media Section.



Stephen B. Burbank, David Berger Professor for the Administration of Justice, served, from October through December, as Visiting Professor at the University of Frankfurt in Germany. During that

period he lectured on "Access to Justice and Civil Justice Reform in the United States" at the University of Pavia in Italy and on "Recent Developments in the United States' Approach to Forum Selection" to the German American Law Association in Frankfurt. He chaired a panel at the 1997 Third Circuit Judicial Conference and served on a panel at the 1997 Bench-Bar Conference of the Philadelphia Bar Association. He also organized and moderated a presentation on non-lawyer advocacy at the annual meeting of the American Judicature Society and moderated a panel on the Civil Justice Reform Act of 1990 at the annual meeting of the ABA. His invited testimony on H.R. 1252 before the House Judiciary Committee's Subcommittee on Courts and Intellectual Property was published in *Judicature*. He spoke on "Judicial Independence and Accountability in the United States" at the Canadian Judges Conference in Ottawa last August. He also organized and moderated a panel at a conference on discovery reform sponsored by the Advisory Committee on Civil Rules of the Judicial Conference. Burbank has been appointed a U.S. Adviser to the American Law Institute's project on Transnational Rules of Civil Procedure and a member of the Center for Public Resources' Commission on Arbitration. His article, "The Courtroom as Classroom: Independence, Imagination and Ideology in the work of Jack Weinstein," appears in the *Columbia Law Review*, and "Implementing Procedural Change: Who, How, Why, and When?" appears in the *Alabama Law Review*. Burbank has been elected a vice-president of the American Judicature Society and serves on the search committee for a new provost for the University.

University (Taiwan). He also published four articles (including two in the *University of Pennsylvania Journal of International Law's* conference-based symposium issue) and a book chapter on the law and politics of Hong Kong's reversion in *Hong Kong Under Chinese Rule* (Cambridge Press, 1997). An article on Chinese constitutionalism and a chapter on United States efforts to export legal models to China and the former Soviet world will be published later this year, the former appearing in a symposium issue of the *University of Pennsylvania Journal of Constitutional Law*.



Colin S. Diver, Dean and Bernard G. Segal Professor of Law, made presentations on the "Interprofessional Law School" at the Annual Meeting of the Association of American Law Schools in San

Francisco in January and on the "Leadership Law School" at the Midwinter Meeting of the ABA in Nashville in February. Dean Diver and his co-authors completed work on the third edition of his casebook, Cass, Diver & Beermann, *Administrative Law: Cases and Materials* (Little, Brown & Co. 3d ed. 1998). He also reviewed Buzz Bissinger's book, *A Prayer for the City*, in the *Philadelphia Inquirer*.



William B. Ewald, Professor of Law and Philosophy, has published three articles — one on economic approaches to comparative law, one a short introduction to comparative jurisprudence, one on

Vico and incommensurability. He spent last summer at the Institute for Advanced Study, School of Mathematics, working on the publication of the notebooks of David Hilbert.



Michael Fitts, Robert G. Fuller, Jr., Professor of Law, in his second year as Associate Dean of the Law School, gave a talk on the significance of several recent Supreme Court cases to political parties

at the American Political Science Association Convention. He also wrote a chapter on Supreme Court jurisprudence and political parties, to be published in a volume on law and the political process. His papers on systemic changes in separation of powers and the line item veto case were published in a symposium issue of *Case Western Law Review* and in *Georgetown Law Journal*, respectively.



Douglas N. Frenkel, Practice Professor and Clinical Director, conducted a module on negotiation skills as part of an education program for environmental lawyers conducted by the ABA last November.



Robert A. Gorman, Kenneth W. Gemmill Professor of Law, was admitted to membership in the National Academy of Arbitrators. He spoke on "Judicial Review of Labor Arbitration Decisions" at a conference sponsored by the

American Arbitration Association. He has become a member of the Board of Visitors of the John Marshall Law School (Chicago). As part of a program sponsored by the Association of American Law Schools, he served as co-facilitator of a faculty retreat on long-range strategic planning at Pace Law School in White Plains, N.Y. Gorman spoke on "Faculty Rights in Intellectual Property" at a conference sponsored by the American Association of University Professors held at the University of Minnesota. He continues to serve as first vice president of the American Association of University Professors and as vice president of both the World Bank Administrative Tribunal and the Asian Development Bank Administrative Tribunal.



Jacques deLisle, Assistant Professor of Law, in the months surrounding Hong Kong's reversion to China, gave talks on the subject at Princeton, Harvard, the University of Hong Kong, the Freedom Forum (New

York), the China Institute, the Philadelphia Rotary Club, and international academic conferences at Penn Law and Tamkang



Leo Katz, Professor of Law, presented "The Libertarian Case Against Freedom of Contract: Or, Corporate Law from a Deontological Point of View" to legal theory workshops at the

Columbia Law School, the University of Arizona, and the University of San Diego. He also lectured on "Avoidance and Evasion: The Ethics of Ingenuity" to bankruptcy judges at conferences organized by the Federal Judicial Center. Katz presented "Playing by, under, above, and around the rules" at the Quinnipiac Law School's conference honoring the work of Fred Schauer. He presented "The Frustrations of the Sensible Social Planner: problems and possibilities in using criminal law as a regulatory tool" at a conference of the Institute of Law and Economic Policy in Naples, Florida. Together with Michael Moore and Stephen Morse, he completed work on *Foundations of the Criminal Law*, an anthology of philosophical readings on the criminal law due out in the fall of 1998. His book *Ill-Gotten Gains: Evasion, Blackmail, Fraud and Kindred Puzzles of the Law* is due out in paperback this spring.



Howard Lesnick, Jefferson B. Fordham Professor of Law, has written *Listening for God: Religion and Moral Discernment*, the introductory chapter of which was excerpted in the July

1995 issue of the *Penn Law Journal*. It will be published this spring by Fordham University Press.



Charles W. Mooney, Jr., Professor of Law, was inducted into the American College of Bankruptcy at a ceremony held in the Great Hall of the U.S. Supreme Court. He recently published "Measuring the Social Costs and Benefits and

Identifying the Victims of Subordinating Security Interests in Bankruptcy" (with Steven L. Harris) in the *Cornell Law Review*. Last April he presented a paper at the Bank of Japan, Tokyo, and conducted a workshop at the Japan Securities Research Institute. Later, Mooney served as a panelist on programs sponsored by ALI-ABA held in New York. In November, he represented the U.S. Department of State at the meeting of the study group on International Secured Financing of Mobile Equipment, in Rome, sponsored by the International Institute for the Unification of Private Law (UNIDROIT).



Alan M. Lerner, Practice Associate Professor of Law, presented a paper entitled "Law & Lawyering in the Workplace: Building Better Lawyers" at the UCLA/University of London Institute for Advanced Legal Studies,

Conference on Clinical Legal Education, in California. The paper concerned the first-year elective designed and taught with Prof. Susan Sturm and was presented as part of the program on Teaching Critical Judgment. At the January meeting of the Association of American Law Schools, he delivered a talk entitled "The Rest of Our Lives - School Board Member" to the Clinical Law Section's program on "Clinical Teacher Satisfaction: Teaching the New and Invigorating the 'Old(er) Clinician."



Stephen Perry, John J. O'Brien Professor of Law and Philosophy, presented a paper entitled "Risk and Fault" at a conference on Objectivity and Reasonableness: Philosophical Problems in Criminal and Tort Law, held at the University of

Western Ontario. Last September he presented a paper entitled "Risk and the Meaning of Negligence" at a workshop on the Foundations of Tort Law held at the University of North Carolina. In January, he participated in a panel discussion on "Internal Perspectives" at the Jurisprudence Section of the American Association of Law Schools Annual Meeting held in San Francisco. His article "Libertarianism, Entitlement, and Responsibility" will shortly be published in *Philosophy and Public*



Eric Posner, Assistant Professor of Law, presented papers at a conference on social norms at the University of Chicago Law School; a roundtable on bankruptcy reform at Penn; a

conference on constitutional identity at the Central European University at Budapest; a conference on criminal penalties at the University of Chicago; a conference on family law sponsored by George Mason University; and at workshops at the University of Illinois and the University of Chicago. The papers presented, including "The Political Economy of the Bankruptcy Reform Act of 1978," "Symbols, Signals, and Social Norms in Politics and the Law," "Family Law and Social Norms," "The Demand for Human Cloning" (with Richard Posner), "Autonomy and Welfare in the Regulatory State," and "Shaming White Collar Criminals" (with Dan Kahan), have been published or are in press in books or law reviews. He also presented chapters of a forthcoming book on law and social norms. He contributed a chapter on the efficiency of norms to the forthcoming *New Palgrave Dictionary of Economics and the Law*.



Louis S. Rulli, Practice Associate Professor of Law, introduced a new clinical course into the curriculum, the Legislative Clinical Seminar, which examines the role of lawyers in the legislative process and in the formation of public

policy. Students drafted actual legislation, testified before the state Senate Judiciary Committee, and worked with legislators and interest groups. Rulli served as panelist at a conference on "Philanthropy and Today's Non-Profit World," addressing payments in lieu of taxes from non-profit organizations and competition between non-profit and private sector organizations for the provision of services. He also moderated a professional ethics panel at the annual public interest continuing legal education program and provided training on negotiation skills for newly hired lawyers of Community Legal Services and Philadelphia Legal Assistance. He continues to serve on the executive committee of the Philadelphia Volunteers for the Indigent program and as an advisor to the Independence Foundation's Public Interest Fellowship program.



Kim Lane Scheppele, Professor of Law, presented a paper on "The Ground Zero Theory of Evidence" at the Hastings Law School Evidence Conference in September. She also

participated in the Georgetown Law Center's constitutionalism roundtable in December and at a roundtable at the American Political Science Association meeting entitled "What's So Great About Constitutionalism?" in Washington. She introduced a panel at the American Association of Law Schools meeting on "Law and The Humanities: Secrets, Silence and the Law" in San Francisco. She continues this term as co-director of the Program on Gender and Culture, Central European University, Budapest, Hungary.



Barbara Bennett Woodhouse, Professor of Law, has presented papers at conferences on "Family Violence and the Health Care System" at Texas Medical Center in Houston and on the

"United Nations Convention on the Rights of the Child" at Loyola University in New Orleans. She also presented a paper at the Joint Conference of the Netherlands and American Societies for International Law at the Hague, Netherlands. Her topic was "U.S. Opposition to the U.N. Convention on the Rights of the Child"; the paper is being published this spring in the Netherlands. Last August, she delivered a speech in South Africa at the closing plenary session of the International Society for Family Law on "Constitutional Interpretation and the Reconstitution of the Family." Woodhouse was invited to teach again at the New Law Teachers Workshop of the Association of American Law Schools, presenting a plenary session on "Innovative Classroom Techniques." (Visit Penn Law's home page at <http://www.law.upenn.edu/> to see examples of the web-based simulations she uses in her classes). In November, she presented a talk on adoption and custody law and moderated an interdisciplinary panel on mental health issues in children's law sponsored by the Freudian Society at Mt. Sinai Hospital in New York. She also delivered legal studies talks at Rutgers, Camden, and American University Law Schools. Her article on "Current Legal Issues in Child Abuse: From Child Abuse in Cyberspace to the Remembrance of Things False" is forthcoming in *Houston Law Review*. Woodhouse also testified before the Joint Task Force on Adoption Law on the proposed Uniform Adoption Act. She was later appointed to the Joint State Government Commission Advisory Committee on Adoption Law, which will review potential adoption reforms in the Commonwealth of Pennsylvania.

In Search of Penn Law Alumni

It's 1998.

Does your alma mater know where you are? Penn, through Harris Publishing of White Plains, N.Y., is conducting its first alumni census in 10 years and will use the data to compile its first, all-University alumni directory in seven decades. Questionnaires have been sent to all Penn graduates including Law School graduates and should be appearing in mailboxes soon.

The print directory, which should be available in late 1998 (for \$59.99 plus shipping and handling) in two hardcover volumes, will include password access to a regularly updated on-line version. This directory will also include e-mail addresses and fax numbers, making it easier for everyone to stay in touch. So, please fill out and return your alumni survey soon.



ALUMNI Briefs



1929



- ▲ **The Hon. Irvin Stander** has received the Philadelphia Bar Association Lifetime Service Award for his work as founder and nine-year chairman of the Association's Workers' Compensation Section.

1938

Irving R. Segal, senior counsel, Schnader Harrison Segal & Lewis, Philadelphia, has been named chairman of the Senior Lawyers Committee of the Philadelphia Bar Association.

1947

Robert M. Landis, a partner with Dechert Price & Rhoads, Philadelphia, was honored with the American Bar Foundation Fifty-Year Award in recognition of his half century in the legal profession. The award was presented in January at Opryland in Nashville.

1948

John M. Bader, of counsel with Tomar, Simonoff, Adourian, O'Brien, Kaplan, Jacoby & Graziano, Wilmington, Del., was named first recipient of the Champion of Justice Award of the Delaware Trial Lawyers Association.

1950

Franklin C. Brown has been named vice chairman of the board of directors of the Rite Aid Corporation, Camp Hill, Pa. Formerly, he served as Rite Aid senior vice president and general counsel.

1953

Gordon Cavanaugh, a partner with Reno & Cavanaugh, Washington, D.C., received the 1997 John D. Lange Award of the National Association of Housing and Redevelopment Officials, in recognition of his work in international housing and development.

Irwin Edward "Eddie" Robinson, managing director of I.E. Robinson & Associates, Philadelphia, has been appointed vice chairman of the Senior Lawyers Committee of the Philadelphia Bar Association.

1956

The Hon. Dolores K. Sloviter, immediate past Chief Judge of the U.S. Court of Appeals for the Third Circuit, received the Sandra Day O'Connor Award presented by the Women in the Profession Committee of the Philadelphia Bar Association. She also delivered the Howard Kaplan Memorial Lecture at the Hofstra University School of Law last November. Her topic was "If Courts Are Open, Must Cameras Follow?"

1957

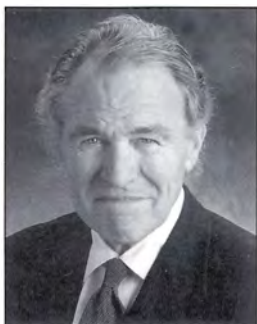


- ▲ **Mahlon M. Frankhauser**, a specialist in securities and commodities regulation with Kirkpatrick & Lockhart, Washington, D.C., has been honored by the Section of Business Law of the American Bar Association as a contributing author to *The Securities Enforcement Manual: Tactics and Strategies*, published by the Section.



- ▲ **Richard M. Rosenbleeth**, for 27 years a partner with Blank Rome Comisky & McCauley, Philadelphia, has joined the investment management firm MTB as general counsel.

1959



▲ **Gerald Broker**, formerly general counsel of the Rubin Organization, a Philadelphia real estate company, has joined the law firm of Klehr, Harrison, Harvey, Branzburg & Ellers, Philadelphia, as counsel to the firm.

Jack A. Rounick, formerly an attorney in private practice in Norristown, Pa., has joined the litigation department of Wolf, Block, Schorr and Solis-Cohen, Philadelphia.

1962

James D. Crawford, a member of the litigation department and co-chair of the appeals and issues practice group at Schnader Harrison Segal & Lewis, Philadelphia, has co-authored a chapter on "Mediation, Submission, Hearing and Oral Argument" in *Federal Appellate Procedure — Third Circuit* (Lawyers Cooperative Publishing).

1963

David C. Auten, a Philadelphia attorney, has been included in the most recent edition of *Best Lawyers in America*.

David H. Marion, chairman of Montgomery, McCracken, Walker & Rhoads, Philadelphia, has been elected to fellowship in the International Academy of Trial Lawyers.

1964

H. Robert Fiebach, co-chair of commercial litigation at Cozen and O'Connor, Philadelphia, received the Leadership Award of the Commission on Women in the Profession of the Pennsylvania Bar Association, in recognition of his creation of the Commission while Pennsylvania Bar Association president, 1993-94. He has also joined the board of governors of the American Bar Association.

Patent attorney **Herbert F. Schwartz**, a partner with Fish & Neave, New York, was profiled by *The Boston Globe* in connection with his work as counsel representing Digital Equipment Corporation in a patent-infringement suit against Intel Corporation.

Richard M. Shusterman, chair of commercial and insurance litigation at White and Williams, Philadelphia, has been elected regional vice president of the Federation of Insurance and Corporate Counsel. He also served as speaker and trainer at a workshop on mediation advocacy held in Vancouver for the CPR Institute for Dispute Resolution.

1965

The March of Dimes has named **Lita Indzel Cohen**, a Pennsylvania state representative, Montgomery County's Woman of Achievement in the field of public service. She was also named Woman of the Year by the Conshohocken Business and Professional Women's Club.

William H. Ewing, a founding shareholder with Connolly Epstein Chicco Foxman Engelmeyer & Ewing, Philadelphia, has been honored by the Northwest Interfaith Movement for his contributions to the development of "a more just and sensitive community."

The Hon. Anita Rae Shapiro has retired as Commissioner of the Los Angeles County Superior Court to open a private practice in civil, family, and probate law.

Stephen R. Wojdak, president of S.R. Wojdak & Associates, a Philadelphia government-relations firm, has been appointed to the board of the Pennsylvania Convention Center Authority.

1966

Michael Coleman, founder of Coleman Legal Search Consultants, Villanova, Pa., announced that his firm has opened a new office in Iselin, N.J.

Mark E. Goldberg, a managing partner with Groen, Laveson, Goldberg & Rubenstone, Bensalem, Pa., served on a panel, "Planning for Orderly Succession in a Law Firm," sponsored by the Law Practice Management Section of the American Bar Association.

The Institute of Jewish Humanities has named **Joel H. Sachs**, a partner in Keane & Beane, White Plains, N.Y., Lawyer of the Year for his work in environmental law.

1967

Ronald B. Glazer, a partner with Wolf, Block, Schorr and Solis-Cohen, Philadelphia, is serving as chairman of the Non-Residential Common Interest Ownership Projects Law subcommittee of the American Bar Association's Real Property Committee H-1. He was also named Honorary Counsel to the Philadelphia Condominium Managers Association, and was inducted into the Community Associations Institute's College of Community Association Lawyers.

1968



▲ **Arthur W. Hankin**, a partner in the litigation department of Blank Rome Comisky & McCauley, Philadelphia, spoke at the Lawyer-Pilots Bar Association program in Virginia Beach, Va., on "Using Computer-Generated Visual Evidence in Pennsylvania Courts."

Bancroft "Nick" Littlefield, Jr., has returned to Foley, Hoag & Eliot, Boston, as a partner following eight years as chief of staff for U.S. Senator Ted Kennedy on the Senate Committee on Labor and Human Resources. His tenure with Kennedy was featured in an article in *The Boston Globe*.

Mark G. Yudof has been installed as the 14th president of the University of Minnesota.

Stephen C. Zivitz, a partner with White and Williams, Philadelphia, lectured on asset protection planning in Pennsylvania on behalf of the National Business Institute.

1969

Dennis Drabelle, an editor at the *Washington Post Book World* and contributing editor to *Civilization* magazine, received the 1996 National Book Critics Circle award for excellence in reviewing.

William D. Eggers, formerly a partner in litigation with Nixon, Hargrave, Devans & Doyle, Rochester, N.Y., has joined Corning Incorporated as deputy general counsel and vice president.

Clifford B. LePage, a partner in workers' compensation with Austin, Boland, Connor & Giorgi, Reading, Pa., continues to run in 5K races and half-marathons.

1970

William Roberts, a partner with Blank Rome Comisky & McCauley, Philadelphia, has been elected to the board of the Curtis Institute of Music.

1971

The Hon. G. Craig Lord, former judge of the Common Pleas Court of Philadelphia, has joined the law firm of Raynes, McCarty, Binder, Ross & Mundy, Philadelphia.

Warren A. Reintzel, senior vice president of trust administration at Glenmede Trust Company, Philadelphia, has been elected president of the Philadelphia Estate Planning Council.

1972

Ira Genberg, an attorney with Smith, Gambrell & Russell, Atlanta, has published his first novel, *Reckless Homicide* (St. Martin's Press).

Robert C. Heim, chairman of litigation with Dechert Price & Rhoads, Philadelphia, and past chancellor of the Philadelphia Bar Association, has been named president of the National Conference of Bar Presidents.

Marc D. Jonas, a partner with Silverman & Jonas, Norristown, Pa., has been awarded the highest ratings for both legal ability and ethical standards in the latest edition of the *Martindale-Hubbell Law Directory*.

1974



▲ **Ian Comisky**, a criminal and tax-litigation partner with Blank Rome Comisky & McCauley, Philadelphia, moderated a discussion on "Federal Sentencing Guidelines" at the American Bar Association National Institute on Criminal Tax Fraud, held in Washington, D.C. He also spoke at the American Bar Association Money Laundering Enforcement Seminar in Washington and at the Pennsylvania Bar Institute/Philadelphia Bar Education Center's annual Education Conference.

Robert B. Donin, an attorney in the Harvard University Office of the General Counsel, has been named the university's deputy general counsel.

Susan Katz Hoffman, senior lawyer in the employee benefits group of Pepper, Hamilton & Scheetz, Philadelphia, is working on the second edition of the American Bar Association's ERISA treatise on Employee Benefits Law.

Joseph F. Roda, a partner with Roda & Nast, Lancaster, Pa., was inducted into the American Academy of Trial Lawyers.

Roy Wepner, a partner with Lerner, David, Littenberg, Krumholz & Mentlik, Westfield, N.J., has joined Rutgers University Law School as an adjunct professor teaching patent law.

1976

Richard M. Bernstein, a partner with Hoyle, Morris & Kerr, Philadelphia, authored an article, "Rule 23: The Proposed Amendments," which appeared in *Toxics Law Reporter* and in *Product Safety & Liability Reporter*. He also serves as Pennsylvania State Chair on the National Membership Committee of the Supreme Court Historical Society.

John F. Cambria, an attorney with Christy & Viener, New York, has reported that his wife, Barbara, passed away last October 16.

Michael P. Malloy has joined McGeorge School of Law, University of the Pacific, as professor of law. He and his wife, Susie, are parents of Michael Emil Malloy, born October 10.

Mary A. McLaughlin, a partner with Dechert Price & Rhoads, Philadelphia, has been elected board chair of the Women's Law Project, which provides counsel for poor women.

1977

Gerald Korngold, Everett D. and Eugenia S. McCurdy Professor of Law at the Case Western Reserve University School of Law, has been appointed the school's new dean.



▲ **Peter M. Roth**, a barrister with Monckton Chambers, Gray's Inn, London, has been appointed Queen's Counsel.

1978

James A.A. Pabarue, a commercial litigator with Christie, Pabarue, Mortensen and Young, Philadelphia, spoke on the defense obligations of insurance carriers at the Defense Research Institute's seminar on Insurance Coverage for Environmental Claims, held last October in Boston.

also co-moderated a Philadelphia Bar Association seminar, "Capturing Construction Costs: The Dollars and Cents Consequences of the New AIA Revisions."

Lisa M. Salazar has been elected to partnership with Hoyle, Morris & Kerr, Philadelphia, concentrating in securities, products liability, and commercial litigation.

Edward B. Shils, Emeritus Professor of Entrepreneurial Management at the University of Pennsylvania, was awarded the S.J.D. degree from the University last summer, his third Law School degree and sixth all-told from Penn.

1979

Niki T. Ingram, a shareholder in the workers' compensation department of Marshall, Dennehey, Warner, Coleman & Goggin, Philadelphia, contributed to an article on "Recent Developments in Workers' Compensation Law" for the *Tort & Insurance Law Journal*.

M. Kelly Tillery, a partner with Leonard, Tillery & Sciolla, Philadelphia, was featured in an Associated Press article for his success in fighting bootleggers as an intellectual property attorney.

1984



▲ **Jay A. Dubow**, a litigation partner with Wolf, Block, Schorr and Solis-Cohen, Philadelphia, has been elected board chairman of the Delaware Valley chapter of the National Kidney Foundation.

Geoffrey R. Garinther, with the Baltimore U.S. Attorney's office, and his wife, Carol Khachian Garinther ('85), an attorney with Weinberg & Green, Baltimore, announce the birth of their fourth child, Natalie.

Jane (Taylor) Summers, senior associate general counsel for Barclays Bank, New York, and her husband, Brett Summers, announce the birth of their first child, Holden Ferree Summers, May 14, 1997.

Sean P. Wajert, a lecturer on toxic torts and products liability at Penn Law, has been elected to partnership with Dechert Price & Rhoads, Philadelphia.

1987



▲ **James A. Mercadante** has been elevated to partnership with Morgan, Lewis & Bockius, New York, concentrating in mergers and acquisitions.

Frank N. Tobolsky, a Philadelphia real estate attorney, spoke at two Pennsylvania Bar Institute functions, the seminar "It's All in the Family: Impact of Other Substantive Legal Areas on Family Law Practice," and the "Real Estate Institute."

1981

Jose Tomas Blanco has been appointed in house counsel for Seguros Orinoco, Caracas, Venezuela.

Jeffrey A. Smith has become the first attorney hired laterally by Cravath, Swaine & Moore, New York, to be elected to partnership in the firm.

1988



▲ **Christopher A. Parlo** has been elevated to partnership with Morgan, Lewis & Bockius, New York, concentrating in labor and employment law.

Stella Ming Tsai has advanced to shareholder at Christie Pabarue, Mortensen & Young, Philadelphia.

1983



▲ **Lynn R. Axelroth**, a partner with Ballard Spahr Andrews & Ingersoll, Philadelphia, has been named managing partner of the firm's Philadelphia office. Last fall she spoke on "AIA Contract Documents: Generation Next" at an American Institute of Architects/American Bar Association

1986

Kathryn A. Christmann, formerly with Vitas Healthcare Corporation, has joined Baptist Health Systems of South Florida as associate general counsel.

Timothy F. Malloy, a partner with Manko, Gold & Katcher, Bala Cynwyd, Pa., taught a half-day course on "Integration of Environmental and Tax Laws" at Neumann College, Aston, Pa.

1989

James A. Mitchell has been named a partner with Stillman & Friedman, New York.

1990

Alina Denis Jarjour, formerly in private practice, has joined the general counsel's office of Bell Atlantic Mobile, Bedminster, N.J., as director of contracts.

1991

Sarah M. Bricknell, formerly of Buchanan Ingersoll, Harrisburg, Pa., has joined Saul, Ewing, Remick & Saul, Philadelphia, in general commercial litigation and insurance regulation.

Randi S. Kremer, associate counsel, trademarks, copyrights, and licensing for MCI Communications Corp., Washington, D.C., announces her marriage to William Charles Saunders, Jr., an associate with Finnegan, Henderson, Farabow, Garrett & Dunner, Washington.

1992



▲ **Lainie Keslin Ettinger** has joined Lewis & Clark College, Portland, Ore., as director of foundation relations.

J. Brent Hooker, formerly of White & Williams, Philadelphia, has joined the litigation department of Saul, Ewing, Remick & Saul, Philadelphia.

Mark A. Saloman, who recently joined the Roseland, N.J., firm of Grotta, Glassman & Hoffman in employment litigation, and his wife Laurie announce the birth of their first child, Ariel Michelle.

1993



▲ **Wendy Beetlestone**, a civil-litigation attorney with Schnader Harrison Segal & Lewis, Philadelphia, spoke on recent developments in Internet law to a group of newspaper defense counsel in Harrisburg, Pa.

1994

Jonathan P. Friedland, who practices commercial law with Hebert Schenk & Johnsen, Phoenix, has married Michele Schechter of Highland Park, Ill.

Jeffrey A. Weissman, a practitioner of family law with Ruden, McClosky, Smith, Schuster & Russell, Miami, has been appointed to the Family Law Legislation Committee of the Florida Bar.

1995

Frank Ochsenfeld served as a corporate associate with Sullivan & Cromwell, New York, before receiving his degree from Bonn University, Germany.

Francis X. Taney, Jr., has joined the construction law group of Saul, Ewing, Remick & Saul, Philadelphia.

1996



▲ **Rodd W. Bender** has joined Manko, Gold & Katcher, Bala Cynwyd, Pa., as an associate.

1997



▲ **Lynda G. Robison** has received the Philadelphia Trial Lawyers Association 1997 James J. Manderino Award for outstanding achievement in trial advocacy.



▲ **Mindy Ellis Schwartz** has joined the trusts and estates department of Schnader Harrison Segal & Lewis, Philadelphia.

The Law Alumni Society



The State of the Society

It is my pleasure to report that your Law Alumni Society hosted a successful series of fall events and looks forward to a full and exciting agenda for the spring. We hope that you will be able to join us for many of these events.

During the fall '97 semester, the Society, as in prior years, co-sponsored the Owen J. Roberts Memorial lecture at which Professor Ronald Dworkin, of Oxford University and New York University, addressed whether judges must really be philosophers.

As part of the Society's commitment to sponsoring get-togethers where Law School alums can see old friends and participate in interesting programs, we hosted fall programs in Washington D.C., New York, and Philadelphia. Their broad appeal was most evident in Philadelphia, where a seminar on "The Keys to Rainmaking" drew a large and diverse audience of alumni.

Our spring events include a reception for our South Florida Alumni in April and summer celebration receptions for young alumni in Philadelphia and New York.

Each year, the Society's program culminates in Alumni Weekend at the Law School, to be held in 1998 on May 16 and 17. Saturday features an Alumni/Faculty Exchange, "When a President Goes on Trial"; the annual meeting of the Law Alumni Society; and a picnic in the courtyard for alumni and their families. Classes which graduated in years ending in 3's and 8's will be celebrating their five-year reunions; individual parties for those classes are planned for Saturday evening. Remember, you don't have to be celebrating a five-year reunion to join us during this fun-filled weekend.

The Penn Law European Society, PLES, will hold its annual meeting in Oslo, Norway, June 12 to June 14. Nils Pettersen-Hagh GL '80, who can be reached by fax at (47) 33 32 50 88, is organizing the meeting. Look for additional information on the Law School's internet homepage, <http://www.law.upenn.edu>. Dean Colin Diver and Professor Jason Johnston will represent the Law School in Oslo. Professor Johnston, whose areas of expertise include environmental law and law and economics, will present the keynote address.

There has been interest recently in forming a Penn Law Asian Alumni Association, much like PLES. We will keep you informed as information becomes available.

I look forward to meeting many of you in the months ahead and would welcome your thoughts on how the Society might better serve you. My thanks to all of our dues-paying members whose support makes our programming possible.

Arlene Fickler '74
President, Law Alumni Society

Barry M. Abelson '71	David A. Ball '91	Fred Blume '66	Joseph A. Callari '92
Morton Abrams '50	Frederic L. Ballard '42	Laura Ross Blumenfeld '73	Maria T. Calzada '86
Jay Brian Abramson '86	Augustus S. Ballard Sr. '48	Joseph Boardman '56	John F. Cambria '76
Stephanie S. Abrutyn '91	Richard D. Bank '72	Harold Bogatz '63	Vincent W. Campbell '59
Suzanne C. Abt '94	Stephen M. Banker '77	Robert N. Bohorad '66	Gary E. Cantor '77
Alvin S. Ackerman '57	William J. Bargmann III '86	Harry O. Boreth '66	A. Richard Caputo '63
Hon. Mark Addison '40	Leonard Barkan '53	Lisa Klaiman Bostrom '90	Hon. Philip Carchman '66
Stephen M. Adelson '69	Jay D. Barsky '45	Darren A. Bowie '92	Francis J. Carey '49
Louis J. Adler '59	Walter Bartholomew Jr. '53	Victor Boyajian '85	William J. Carlin '51
James H. Agger '61	Leigh W. Bauer '62	Terrence M. Boyle '66	Gary R. Carney Jr. '87
Lyle Albaugh '89	Richard A. Bausher '53	John P. Bracken '39	Carrel Marc L. '93
Richard B. Alderman '69	William H. Bayer '49	George C. Bradley '64	Jamie B. Carroll '90
Laura Aldir-Hernandez '89	Richard L. Bazelon '68	Raymond J. Bradley '47	John Rogers Carroll '52
John D. Aldock '67	Eric S. Beane '96	Linda L. Bradmiller '87	Lesley G. Carroll '90
Fred C. Aldridge Jr. '58	Edward F. Beatty Jr. '56	Jeffrey L. Braff '78	Louis J. Carter '49
John Vincent Alexander '76	Lewis B. Beatty Jr. '49	James Russell Bramson '93	Gilbert F. Casellas '77
Donald M. Allen Jr. '52	Milton Becket '51	Christopher Branda Jr. '51	Richard A. Cassell '84
Margaret P. Allen '53	Wendy Beetlestone '93	George W. Braun '79	Meera Joshi Cattafesta '95
Gail Hokanson Allyn '79	Leon I. Behar '81	Keith B. Braun '84	Carroll J. Cavanagh '70
Raquel Maria Alvarez '93	Herbert Beigel '69	Marvin J. Brauth '74	Diane L. Celetto '72
Gustave G. Amsterdam '33	Ruthanne Beighley '76	Melvin C. Breau '70	Hon. Paul M. Chalfin '41
Jon Mason Anderson '88	James F. Bell III '66	Nancy J. Bregstein '76	Keron D. Chance '38
L. Carter Anderson '59	Joseph Bell '37	Bregstein John M. Bregstein '95	Jill C. Chesson '92
Reinaldo L. Andujar '79	Martin M. Bell '48	Ira Brind '67	William F. Chester Jr. '53
Jerome B. Apfel '54	Alan L. Beller '76	Mitchell Brock '53	E. Calvert Cheston '35
Steven A. Arbittier '63	David Bender '68	Carter Fredric Brod '93	Steven L. Chudnow '92
Lawrence J. Arem '75	Shirley A. Bendza '94	Jonathan E. Brody '87	Susie Chun '83
Masato Ari '86	Shirley Kline Bennett '73	Brody J.A. Brody '95	Peter F. Cianci '49
Hon. Roxana C. Arsht '39	Robert E. Benson '65	James L. Bross '71	John J. Clair '72
S. Samuel Arsht '34	Nancy B. Berenson '87	Jeffrey Brotman '89	John A. Clark '48
Luis M. Artime '76	Hon. Harold Berger '51	Ellen Sterns Brown '72	Isaac H. Clothier IV '57
John W. Ashbook '92	Norman M. Berger '56	William H. Brown III '55	Benjamin Coates '46
Duffield Ashmead III '58	Marc S. Berman '86	Lawrence Brown Jr. '56	Nicholas H. Cobbs '74
Elizabeth Aston '95	Steven Jay Bernheim '89	Marianne E. Brown '86	Carrie H. Cohen '93
Paul C. Astor '54	Benjamin Bernstein '37	Nancy A. Brown '85	David Cohen '37
Richard D. Atkins '62	Marshall A. Bernstein '49	Sherrie E. Brown '79	Frederick Cohen '60
Dorothy T. Attwood '83	Richard M. Bernstein '76	George T. Brubaker '67	George M. Cohen '86
David E. Auerbach '63	Stanley J. Bernstein '68	Willa Cohen Bruckner '81	Lita Indzel Cohen '65
Philip G. Auerbach '59	Andrew D. Bershad '80	Henry S. Bryans '71	Robert S. Cohen '57
Sheryl L. Auerbach '76	John H. Bertolet '31	Robert P. Bucher '95	Sheryl Jana Cohen '88
Mark L. Austrian '70	Susan B. Besancon '87	Carl M. Buchholz '92	Sylvan M. Cohen '38
David C. Auten '63	William E. Bethards Jr. '47	Susan B. Budnick '85	Loreli Fritz Cohn '80
Donald R. Auten '71	Ronni Silverman Bianco '93	Gary R. Burghart '78	Steven P. Cohn '79
Maurice Axelrad '57	Robert W. Biddle '87	Charles B. Burr II '66	Thomas E. Cohn '80
Lynn R. Axelroth '83	William S. Biel '92	H. Donald Busch '59	Leonard J. Colamarino '76
Rory A. Babich '89	O. Francis Biondi '58	John Butterworth '53	Ira B. Coldren Jr. '52
Mitchell L. Bach '71	Mark Kenneth Blank '76	T. Sidney Cadwallader II '39	Basil S. Cole Jr. '49
Marvin K. Bailin '51	Robert P. Blank '73	Berel Caesar '54	Hope A. Comisky '77
Kevin T. Baine '74	Robert S. Blank '65	Hon. James S. Cafiero '53	Ian M. Comisky '74
Richard L. Baker '49	Lawrence S. Block '92	David L. Cahn '95	Charles F. Connolly '95
Frank B. Baldwin 3rd '64	William O. Blome '76	E. Barclay Cale Jr. '62	Neil L. Conner '48
Jerome R. Balka '54	Charles J. Bloom '71	J. Scott Calkins '52	Douglas E. Cook '71

Alyson T. Cooke '89
 Alan Cooper '61
 Jeffrey D. Cooper '91
 Jeffrey N. Cooper '75
 Leonard J. Cooper '62
 Hector Cordero-Vazquez '87
 Glen R. Cornblath '83
 Louis G. Corsi '72
 George C. Corson Jr. '59
 Alfred W. Cortese Jr. '62
 Stuart Coven '51
 Roger F. Cox '66
 Theodore S. Coxe '53
 Cassin W. Craig '49
 Harold Cramer '51
 Jennifer G. Cramer '92
 James D. Crawford '62
 Joseph C. Crawford '79
 Ronald A. Croen '79
 Samuel S. Cross '49
 Jennie Maffei Crowley '51
 Clive S. Cummis '52
 Thomas F. Cunnane '63
 Kevin R. Cunningham '81
 Michael Cunningham '88
 Edward I. Cutler '37
 Michael S. D'Agostino '87
 Bernard J. D'Avella Jr. '73
 Richard D'Avino '80
 Howard L. Dale '70
 Pamela Daley '79
 Jeffrey A. Dalke '78
 Joseph A. Damico Jr. '58
 Charles M. Darling IV '72
 Hon. Horace A. Davenport '47
 Hon. Janice B. Davidson '69
 Mark D. Davis '75
 Preston L. Davis '60
 Guy G. De Furia '28
 Frank E. Deale '79
 Stephen T. Dean '37
 George C. Decas '62
 Stephen P. Deitsch '72
 Bernard S. Dempsey '55
 Edward S.G. Dennis Jr. '73
 Samuel E. Dennis '54
 William R. Dennison Jr. '42
 Deborah Denno '89
 Raymond K. Denworth Jr. '61
 E. Foster DeReitzes '69
 Kristine Grady Derewicz '90
 John M. Desiderio '66

Harold Diamond '44
 Samuel Diamond '55
 Maria Teresa Diaz '87
 Stephen P. Dicke '67
 Beth Janice Dickstein '88
 Charles E. Dillon '51
 William R. Dimeling '70
 Richard Dionne '77
 Alexander A. DiSanti '59
 Randi Dlott Dlott '86
 Edward I. Dobin '60
 Richard H. Dolan '75
 Vincent P. Dolan '88
 Michael J. Donahue '73
 Amy L. Donahue-Bobiak '86
 Mitchell Lane Dorf '86
 Charles E. Dorkey III '73
 Arthur A. Dornbusch II '69
 Charles H. Dorsett Jr. '65
 Alfred J. Dougherty '65
 John W. Douglass '50
 Beth Elyse Drapkin '93
 Albert G. Driver '47
 Allan B. Duboff '84
 Jay A. Dubow '84
 Eletha Duffy '88
 Michael Philip Duffy '86
 Kenneth R. Dugan '83
 Blair M. Duncan '94
 James T. Duncan Jr. '90
 Susan E. Duvall '78
 David W. Dykhouse '74
 David T. Eames '80
 John F.A. Earley '51
 Thomas G.B. Ebert '48
 Murray Eckell '59
 Sharon Beth Eckstein '86
 John P. Edgar '74
 Lisa Ehrich '82
 Leon Ehrlich '47
 William A. Ehrlich '86
 Thomas J. Eicher '83
 James Eiseman Jr. '66
 Bruce A. Eisenberg '77
 Ted Eisenberg '72
 Thomas J. Ellis '85
 Robert M. Ellison '92
 William E. Elwood '68
 Jack Emas '61
 Brendan Stocklin Enright '78
 Andrew M. Epstein '67
 Neil G. Epstein '65

Christian S. Erb Jr. '55
 Kevin R. Erdman '87
 Daniel H. Erickson '50
 John A. Erickson '56
 John L. Esterhai '46
 Martin S. Ettin '78
 Charles P. Eyer '68
 Gregg Vance Fallick '84
 Anthony Vincent Falzon '95
 Susanna Fasolis '81
 Mark Spencer Fawer '86
 Frank Federman '60
 James S. Feight Jr. '72
 Marla Kim Feinman '94
 A. Richard Feldman '80
 David N. Feldman '85
 Louis Evan Feldman '92
 Wifredo A. Ferrer '90
 Barton E. Ferst '44
 Elliot C. Fertik '95
 Jay S. Fichtner '51
 Arlene Fickler '74
 H. Robert Fiebach '64
 Ronald R. Fieldstone '94
 Louis S. Fine '53
 H.W. Fineshriber '33
 Lawrence Finkelstein '76
 C. T. Finnegan III '72
 Steven Firkser '83
 Ellen B. Fishman '78
 Clare Ann Fitzgerald '93
 Edward L. Flaherty Jr. '52
 Joseph F. Flanagan '56
 Joseph P. Flanagan Jr. '52
 Dennis M. Flannery '64
 J. H. Flannery Jr. '58
 Lawrence E. Flatley '75
 Michael O. Floyd '64
 Janet S. Fogarty '86
 David W. Folts '85
 Ruth Morris Force '61
 Joel A. Forkosch '91
 Neil P. Forrest '80
 Cynthia A. Forson '86
 Joseph H. Foster '53
 John Fouhey '72
 John M. Fowler '74
 Douglas Bern Fox '79
 Lawrence J. Fox '68
 Hon. M.V. Franciosa '58
 Frederick J. Francis '62
 Spencer W. Franck Jr. '69



Public Service Fair '97

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 Lawrence M. Frankel '92
 Mahlon M. Frankhauser '57
 Earl R. Franklin '68
 Joseph Franzetta '89
 John W. Frazier IV '68
 Patricia L. Freeland '72
 Christine Freeman '77
 John P. Freeman '76
 Joel E. Friedlander '92
 Rochelle Friedlich '84
 A. James Friedman '75
 Bennett B. Friedman '49
 Mark H. Friedman '74
 Abe H. Frumkin '59
 Joseph B. Frumkin '85
 Ronni E. Fuchs '92
 Robert G. Fuller Jr. '64
 William N. Gabovitch '87
 Richard L. Gabriel '87
 GERALYN Gaharan-Humphrey '84
 Andrew P. Gaillard '85
 Chris F. Gallagher '72
 James E. Gallagher Jr. '32

Bruce D. Gallant '81
 Lewis I. Gantman '77
 Sergio Garcia Pages '78
 Gerald P. Garson '57
 Jacques Geisenberger Jr. '58
 Stephen K. Gellman '89
 Kenneth W. Gemmill '35
 Albert B. Gerber '37
 Gordon W. Gerber '49
 Dana M. Gershengorn '94
 Dr. Murray Gerstenhaber '73
 L. Anthony Gibson '64
 Berhane Gila '74
 John E. Gillmor '62
 Francis X. Gindhart '66
 Lena Orlow Ginsburg '31
 Howard Gittis '58
 John Joseph Giuffre '87
 Suzanne L. Glassburn '90
 Bernard Glassman '61
 Jacqueline Glassman '91
 Thomas P. Glassmoyer '39
 Joshua D. Glatter '94
 Ronald B. Glazer '67
 Wendy Glazer '83
 Francis E. Gleeson Jr. '62
 Peter G. Glenn '68
 Thomas Glofke '82
 Stuart B. Glover '28
 Claude P. Goddard Jr. '79
 Richard L. Goerwitz Jr. '59
 Kenneth Craig Gold '87
 Matthew J. Gold '82
 Sarah Ellen Gold '94
 James P. Golden '80
 David M. Goldenberg '91
 Ira C. Goldklang '90
 Hon. Murray C. Goldman '59
 Lisa Goldschmidt '92
 Kenneth R. Goldstein '71
 Perry Golkin '78
 John C. Goodchild III '94
 Kara H. Goodchild '94
 Joshua D. Goodman '91
 Stephen M. Goodman '65
 Andrea Dee Goodrich '94
 Joseph K. Gordon '51
 Mark D. Gordon '68
 Maxwell Gorson '52
 Mark Phillip Goshko '88
 Craig R. Gottlieb '94
 James W. Gould '74

George Graboys '57
 Harry M. Grace '48
 Brian H. Graff '92
 Christopher F. Graham '82
 Gail P. Granoff '76
 Michael A. Grean '63
 Oliver F. Green Jr. '51
 Michael D. Green '75
 James Greenberg '64
 Murray A. Greenberg '68
 Stephen J. Greenberg '66
 I. Michael Greenberger '70
 Earl D. Greenburg '70
 Joseph E. Greene Jr. '57
 Robert W. Greenfield '30
 George C. Greer '57
 David I. Grunfeld '68
 Peter J. Guffin '81
 Innes Gumnitsky '95
 Kurt F. Gwynne '92
 Roger S. Haddon '50
 Frederick P. Hafetz '63
 James W. Hagar '49
 David D. Hagstrom '65
 Burton K. Haines '68
 Marvin R. Halbert '49
 Benjamin Hall Jr. '85
 Sean Michael Halpin '93
 Philip M. Hammett '48
 Leslie B. Handler '59
 Arthur W. Hankin '68
 Marc E. Hankin '92
 Thomas B. Harper III '51
 Wilmot L. Harris Jr. '66
 Priscilla N. Harris '86
 J. Barton Harrison '56
 John L. Harrison Jr. '63
 Hideshige Haruki '71
 Steven J. Harwood '78
 Satoshi Hashimoto '90
 John P. Hauch Jr. '51
 Gerald E. Haughey '62
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Shi's Lecture '97: (left to right) George Nicolau, Dr. Edward Shiels W'36, GR'40, L'86, GL'90, SJD'97 and Dean Diver

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In Memoriam

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 March 2, 1997

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 March 22, 1997

'33

A. Moore Lifter
 November 3, 1997

'35

C. Stewart Lynn, Jr.
 February 23, 1997

Harry R. Most
 July 6, 1997

'37

Jan L. Deelman
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'39

Sherwin T. McDowell
 July 22, 1997

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William H. Thornton, Jr.
 June 10, 1996

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Ralph H. Skinner, Jr.
 September 17, 1997

'51

Henry G. Schaefer, Jr.
 September 5, 1997

'53

Frederick T. Bebbington
 September 25, 1997

'55

The Hon. Leonard Sugarman
 December 1, 1997

'64

Samuel H. Nelson
 November 9, 1997



'41

Lipman Redman

Lipman "Lippy" Redman, a tax lawyer for over half a century and a longtime active supporter of the Law School, died November 18, 1997, of a heart ailment. Mr. Redman was a founding

partner of Melrod, Redman & Gartlan, Washington, and an authority on financing, partnership, and real estate law. Since 1993 he had been of counsel with Arent, Fox, Kintner, Plotkin & Kahn, Washington. He had also served as general counsel of the United Jewish Appeal Federation of Greater Washington.

For Penn Law, Mr. Redman, a Philadelphia native and 1938 Penn undergrad, served on the Board of Overseers and acted as class agent and Washington, D.C., host for many events. He is survived by his wife, Vivien; two sons, Matthew and Brian; two sisters, Edith Goldberg and Beatrice Redman; and two grandchildren.

Although not a former member of a Law School class, we would like to convey our condolences on the death of **Barbara Cambria**, the wife of John F. Cambria L'76, who passed away on October 16, 1997.

A BERNARD G. SEGAL Tribute

by Colin S. Diver



On May first, 1989, I received a letter from Sheldon Hackney, President of the University of Pennsylvania, formally confirming my appointment as “Dean of the University of Pennsylvania Law School and Bernard G. Segal Professor of Law.”

Naturally, it was the “Dean” part of that title that received all of my attention in those hectic early weeks of planning the transition from Boston to Philadelphia. One day a few weeks later, I traveled to Philadelphia with my wife Joan to look at housing and meet with my new faculty colleagues. In the course of that visit, I arranged to pay a courtesy call on Bernard G. Segal, the donor of the endowed chair that I was about to occupy. Even in my ivory tower 300 miles to the northeast, I had of course heard of Bernie — celebrated advocate, leader of the bar, advisor to Presidents, crusader for human rights. But he was to me, then, only a vaguely defined figure of mid-century legal history.

All that changed with that first encounter. I can still picture Bernie, standing in the doorway of his office, slightly bowed over his cane, his eyes twinkling, his gaze and his handshake surprisingly firm. I felt, almost instantly, like a lifelong friend. We sat in his office at the law firm he had built, surrounded by the mementos of a truly heroic life in the law. Outside his window, William Penn stood serenely atop City Hall, gazing at the territory that bore his name, while inside, we talked for hours about Presidents and Chief Justices, Senators and Secretaries General, scholars and statesmen, lawyers and judges, people who had studied history and people who had made it.

Bernie Segal, clearly, was in the latter category. There was no one about whom we talked, it seemed, that Bernie did not know, whom Bernie had not touched in some personal way. There was, it seemed, no important contemporary issue or cause or development in the law to which he had not contributed.

What came through in that first meeting, and dozens like it over the next eight years, was Bernie’s humanity, the intensity of his engagement with life. For all of his awards and recognitions, his notorious name-dropping, he never failed to evince a heartfelt interest in others, in their accomplishments and frustrations, their convictions and their doubts. He never failed to extract a bit of priceless advice from his treasury of wisdom, to express gratitude and appreciation, or to lift a deflated spirit.

Others today talk about Bernie’s contributions to the legal profession, to civil rights, to the quality of justice and the quality of those who dispense justice. I speak briefly about his contribution to education. He was truly a beloved son of Pennsylvania, honors graduate of the College, 1928, and Law School, 1931. Decades later, his classmates remembered his academic accomplishments with genuine awe.

While a student at the Law School, he lectured in political science at the Wharton School and coached the undergraduate debating teams. He later lectured in the Graduate School and at the Law School. He served his University in countless capacities — as Trustee of the University, Fellow of the Faculty of Arts and Sciences, Overseer of the Law School and the School of Arts and Sciences and member of the board of the Annenberg School.

In addition to the chair that I occupy, he endowed a chair in American Thought in honor of his beloved lifelong partner Jerry. He made, and inspired others to make, numerous other gifts to the Law School, such as those which endowed the Harvey Levin Award for Teaching Excellence, the Bernard G. Segal Moot Court Room, and the Irving Segal Lectureship in Advocacy. For each of these acts of generosity to his University, one could cite dozens of other charitable causes to which he gave of his time and energy and largess.

What was this quality that led Bernard Segal, a man of such intense ambition, a man of such ferocious perfectionism, to give so much of himself to others? It is, it seems to me, the quality of charity — not in the rather cramped modern connotation of the word, but in the ancient, Biblical sense. Charity not as a one-way act of benevolence or assistance, but as a two-way act of engagement with the world. Charity as action motivated by love, not pity, by a thirst for understanding, not a sense of superiority or dominance.

I thought of that ancient idea of charity when I went to the law library the other day to look at volume 79 of the *University of Pennsylvania Law Review*, the volume on which Bernie served as Case Editor in 1930 and 1931. The volume begins with a brief article entitled “The Sources of Tolerance,” written by Judge Learned Hand, one of the towering jurists of his time — or indeed any time. It was based on a lecture that Judge Hand had delivered to the Juristic Society of Philadelphia in the summer of 1930. Hand’s article is an eloquent plea for the preservation of tolerance and liberty in a world recently torn by war and now caught in the collision of communism and capitalism, totalitarianism and democracy, false prosperity and grinding poverty. This, I had to recall, was the world that formed Bernard G. Segal.

Hand’s article ends with this passage:

Would we hold liberty we must have charity. Charity to others, charity to ourselves, crawling up from the moist ovens of a steaming world, still carrying the passionate equipment of our ferocious ancestors, emerging from the black superstition amid carnage and atrocity to our perilous present. What shall it profit us, who come so by our possessions, if we have not charity?

I have no idea whether Bernie heard Judge Hand’s speech or worked on editing the manuscript for publication. But surely he must have read it. And just as surely, his life was a living tribute to the truth of its message. Throughout nearly a century of “perilous presents,” when the memory of carnage and atrocity was never distant, Bernie Segal lived a life of charity and spread the spirit of charity in the countless places, great and common, where his restless footsteps fell.

Thank you, Bernie, for friendship and inspiration. I am unspeakably proud to be the Bernard G. Segal Professor of Law.

(The following tribute was presented by Dean Colin S. Diver at a memorial service for Mr. Segal on October 9, 1997 at the Federal Courthouse in Philadelphia.)

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